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(SESSION 1946)



(SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

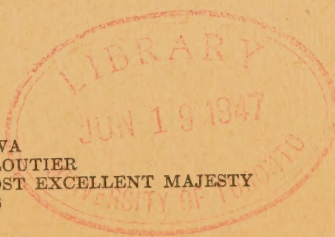
No. 11-21

TUESDAY, JULY 9, 1946

WITNESS:

Mr. A. G. Leslie, of Reserves and Trusts Service, Indian Affairs Branch,
Department of Mines and Resources, Ottawa.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946





MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Tuesday, 9th July, 1946.

The Special Joint Committee of the Senate and House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11.00 o'clock, a.m. The Joint Chairmen: The Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P., presided.

Present:

The Senate: The Honourable Senator Johnston.

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Blackmore, Brown, Bryce, Case, Castleden, Farquhar, Gibson (*Comox-Alberni*), Harkness, Little, MacLean, MacNicol, Matthews (*Brandon*), Raymond (*Wright*), Reid.—16.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford Pratt; R. A. Hoey, Director, Indian Affairs Branch; Eric Aeland, Executive Assistant to Director; A. G. Leslie, Reserves and Trusts Service, Indian Affairs Branch;

Also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

On behalf of the subcommittee on agenda and procedure, Mr. Harkness presented the fifth report of the subcommittee.

On motion of Mr. Harkness, it was unanimously

Resolved: That the fifth report of the subcommittee on agenda and procedure be adopted. (For text of report, see page 483 of Minutes of Evidence).

The Chairman, by leave of the Committee, read into the Minutes of Evidence the full text of the letter referred to in the above report.

The question being put on Mr. Castleden's motion dated May 30, it was resolved in the negative. (For text of that motion, see page ix, Minutes of Proceedings, 30th May.)

On motion of Mr. Case, it was

Resolved: That whilst this Committee is happy to welcome to any open meeting any person interested in the proceedings of the Committee, it is not of the opinion that, at the present time, the work of the Committee would be facilitated, or expedited, by authorizing the constant attendance before it, with watching briefs, of any number of Indians or other representatives.

Mr. A. G. Leslie, of Reserves and Trusts Service, Indian Affairs Branch, was re-called and questioned.

The Committee adjourned at one o'clock, p.m., to meet again on Thursday, 11th July, at 11.00 o'clock, a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

July 9, 1946

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 11 o'clock a.m. Mr. D. F. Brown M.P., (Joint Chairman) presided.

The CHAIRMAN: One purpose of this meeting is to consider the fifth report of the subcommittee on agenda and procedure. Mr. Harkness, would you read the report, please?

Mr. Harkness:

On Wednesday, July 3 last, your subcommittee had before it for consideration a letter addressed to the Clerk of the Joint Committee, as a result of the discussion which took place in Joint Committee, on June 27, on the motion of Mr. Harkness that the Fourth Report of the subcommittee be adopted. (For discussion, see pages 415 et ff., of Minutes of Evidence, June 27).

The letter makes two submissions:

1. That the offer of the Canadian executive of the North American Indian Brotherhood to name five Indians to this Committee for those areas where the said Brotherhood is the only Indian organization which is effective, be accepted,

2. That other Indian associations, namely, the Native Brotherhood of British Columbia, the Indian Association of Alberta and the Union of Saskatchewan Indians be each asked to name a representative to the Committee.

Your subcommittee, since May 30th last, has given much consideration to this matter of Indian representation before the Committee.

It has not been possible to arrive at a method of selection of the five Indian delegates from the five parts of Canada named in the notice of motion accepted on May 30, which would be satisfactory to all the particular Indian organizations and tribes in those five sections of Canada.

Your subcommittee, therefore, is not prepared to recommend the acceptance of the offer set out in paragraph 1 above, for the reason that no evidence has been adduced to show that the numerical strength of the North American Indian Brotherhood is such as to justify the assertion that the said "Brotherhood is the only Indian organization which is effective" in any part of Canada.

Further, your subcommittee is not prepared to recommend that the Joint Committee accept the terms of paragraph 2 above, for the reason that none of the Indian organizations named therein have asked for representation at all times before the Joint Committee.

Accordingly, your subcommittee refers to the Joint Committee, for consideration and final decision, the whole question as to the feasibility of permitting Indians, with watching briefs, to attend all the declarations of the Joint Committee.

All of which is respectfully submitted.

I move the adoption of this report.

Mr. GIBSON: I second that.

The CHAIRMAN: Any discussion?

Mr. CASTLEDEN: I should like to say a few words. I am very glad that this matter has finally come to the committee for decision. It is just about six weeks ago since I gave notice of this motion. If it is to be of any use at all it should be settled immediately. I think my motion is quite clear. I am endeavouring to get this committee to agree to have some of the persons most vitally concerned with the outcome of this work, the Indians themselves, sit in here and watch the deliberations and listen to the evidence presented on their behalf and perhaps on behalf of the department and those who are carrying out the administration of Indian affairs. I feel that we do not get a very clear picture or a proper appreciation of the problem when we attempt to solve it without having these people here continuously so we can question them as to whether the evidence given is right in their opinion or is as they have experienced it themselves. They are actually living on the reserves. They know what the conditions are.

I think the members of the committee who have some knowledge of conditions among the Indians will agree that generally speaking these people have not been fairly or justly treated in Canada. I think they have been completely subordinated. They have no voice. They have no way of protesting against their treatment. There is no avenue of approach by which they can present their case. Here is an opportunity to say that we consider that these people are worthy of some trust and that we have some confidence in their ability. To me it is a matter of principle; to me it is a matter of humanity; to me it is a matter of democratic rights of human beings made also in the image of their Maker. Under British justice it would seem to me that these people should have some say in the carrying out of their own destiny. Surely their representatives should have the right to listen in on the deliberations.

I notice in the reports of the subcommittee . . .

The CHAIRMAN: Pardon me. I think in all fairness we should remind you that any person has the right to sit in and listen to the proceedings of the committee at any time.

Mr. CASTLEDEN: I understand that, but it is a matter of having them as representatives to this committee.

The CHAIRMAN: I see your point.

Mr. CASTLEDEN: I mean they are going to take part in the deliberations that we will have. We will have them here and we can question them.

The CHAIRMAN: We must abide by the rules of the House.

Mr. CASTLEDEN: Am I going to be allowed to proceed? I want to make this plea.

The CHAIRMAN: Quite right, but let us keep the record straight.

Mr. CASTLEDEN: I agree. I understand they have not the right to sit here as members of the committee.

The CHAIRMAN: But there are people sitting here to-day and they are quite at liberty to come here at any time and listen to the deliberations of the committee. Let us put on the record what is fair on this matter and according to the rules.

Mr. CASTLEDEN: That is what I am trying to do. My motion was that we should invite Indian organizations in this country to choose from among them Indians who are actually living on reserves to sit in with us at this committee with watching briefs so that we could call on them for questioning at any time. It is not my intention to transgress the rules of the House and say that these men should have voting powers here, but merely that they should sit here continuously. We have held some fifteen meetings now. We have had Indians before us to question during the time evidence was being given on only one

occasion. It is not a matter of having them come forward at some later time and make representations. We are going to have representations made. The purpose of my resolution was to have these people here continuously and available for questioning. Their expenses would be paid by the department or by the government. We should take that responsibility. They have no money. They have not the facilities with which to keep representatives here, but if we would agree to pay the expenses of say half a dozen representatives of the Indians so that they could sit in for questioning, be present at all our deliberations and give evidence, then I think we could get a better picture of what should be done.

I do not want to labour this matter any further. I think it should now be decided. Naturally I am willing to accept the decision of the vote of this committee, but I do submit that when the vote is taken it should be a recorded vote.

Mr. REID: I do not want to delay the committee in this debate, but I am going to vote against the resolution. In doing so I want to place it on record that I do not want any accusation of lack of humanity or a refusal of British justice as we heard here a minute or two ago. I am voting against it because I think it is useless to have Indians sitting around here. I said so at the last meeting. I am for active representation coming to this committee later on, but a watching brief to me does not mean anything. It has nothing to do with humanity, or British justice, at all, and therefore I am placing myself right on record now.

Mr. HARKNESS: I should like to place myself on record also. I do not feel I have to take second place to anyone in my desire to improve the life of the Indians, but I am opposed to this resolution on several grounds. First of all I do not think there is any practical means of getting five representatives, eight representatives, or any other number, who would properly and satisfactorily represent all the Indians of Canada. Since this resolution appeared first in our minutes I have had three letters from Alberta protesting against it on the part of the Indian Association of Alberta saying that under no circumstances would they consent to being represented by the Native Brotherhood of North America. One reserve said that the only man who could properly represent the Indians of Alberta was Teddy Yellowfly, and if anybody else was appointed there would be trouble, and so forth. I think we have the same situation right across Canada. There would be all sorts of troubles, jealousies, and difficulties. It would probably cause more harm than good to try to get these people to come here.

In the next place, I do not think it would serve any useful purpose, if we had five or eight Indians sitting here. They would to a large extent be wasting their time. They would sit here for two hours twice a week and the rest of the time what would they be doing? Nothing. They would be much better off at home making a living for themselves and their families. As far as having these people here to question witnesses the result of that would be nothing but a constant series of wrangles between the departmental officials and others presenting their briefs and the Indian representatives with the result that I do not think the committee would get anywhere. I think the proper way to hear the Indian side of the question is to bring in the Indians and hear what they have to say. At the present time we are getting the departmental side of the picture. Next we will take the Indian side of the picture. Then we can compare the two and make our decisions. For those reasons I am opposed to the resolution and shall vote against it.

Mr. MACNICOL: As far as I can see the resolution is considerably ahead of time, not the thought of the resolution but the actual timing of it. I agree with what has been said that, at the moment, it would be useless to have even a lot of distinguished chiefs sitting around here for two days a week, two hours

a day, wasting their time. I think we had better continue as we are for a while, and get all the evidence we can from the officials of the department. Then during the recess, which will soon come, we can study that evidence and when we meet again—

The CHAIRMAN: What did you say?

Mr. MACNICOL: We can study the evidence during the recess, and when we meet again in the new session it might be advisable to invite Indian chiefs to come here. I agree with the statement in the report of the subcommittee that no one particular group of Indians is the main group for all Canada. I have been on some of the Indian reservations in the west where there are big Indian tribes such as the Bloods. They are a famous and outstanding tribe. I do not know that any of the men who would be recommended by this organization would be from the Blood reservation. The same would apply to the Blackfoot reservation. Anyone who knows anything about the Indian history of the west should know that in the southern part there are the Blackfoot and their allies the Peigans and the Bloods, a very potent and powerful organization. In the northern part of Saskatchewan and Alberta there are the Plain Crees and the Wood Crees with their associates, the Chipewyans and others. They are an equally powerful organization. We would have to be sure that those great organizations which have prevailed for so many years would be satisfied with those chosen to represent them. I quite agree that later on all these big organizations should be represented here.

Mr. CASTLEDEN: I think they all will be.

Mr. MACNICOL: But you are away ahead of the game wanting them here now. I had a letter—and perhaps you had, too—from one of the outstanding men in the maritime provinces who is so thoroughly versed in Indian lore, Edwin Tappan Adney. He is a very famous scholar in Indian lore in Canada. I have had many letters from him. He has been in conversation with the chiefs in the maritimes. They will ask for representation. They are not going to take the representation chosen for them by somebody else. They will have to be invited here, too, by and by. I am quite in accord with getting every atom of evidence we can get from the reservations as we go along, but I am not prepared to say who should sit here now and listen. Like yourself I want to see them thoroughly represented.

Then in northern Ontario we have perhaps the main Indian tribe, the Ojibways. I would have to be sure that the large number of bands of Ojibways would have representation here which would be satisfactory to them. I am not sure at the moment who is going to pick them out.

Then the most famous of all Indian tribes in Canada is the Six Nations of Brant county who by their achievements since they have come to Canada should have representation here. I know we have one of them sitting here as our counsel, a senator of the warrior branch of the Six Nations but that does not mean he is representing them. I think we would be doing a good thing for the committee and for the Indians by ascertaining from the department the names of the chiefs. I am not so familiar with the British Columbia tribes, but we should ascertain the names of the chiefs of the Bloods, the Blackfoot, the Peigans, the Stonies, the Plain Crees, the Wood Crees, and the Ojibways in northern Ontario. I would suggest that you also write Mr. Edwin Tappan Adney whose address I will give you and ask him to send to you the names of the big chiefs in the maritimes of whom there are quite a number. Then you could ascertain from them their opinion as to how your committee can obtain representatives to come here and be questioned.

I quite agree that later on when we have all this evidence before us and can compare the questions systematically it would be a good thing to have a number of chiefs here from all over Canada. Of course, I quite agree they

could not pay their own way nor their own expenses while here. I further agree we would not want them around here for months, but when we arrive at that stage we should have our work in such order that we can do all our questioning in an orderly way as rapidly as we can even if we have to meet several times a week which we could do quite well at the beginning of the next session.

I do not want to throw cold water on my hon. friend's proposal. He has given it a lot of thought and he is sincere in his promotion of it. I merely disagree with the necessity of having those representatives here now. I think the chairman of the committee should follow up that program by writing to them directly. If they have a letter from you as chairman they would reply to you as chairman. If you obtain the chiefs' names from the department you can communicate with all these tribes and you will be able to advise us just how we should proceed to have the Indians come here by and by.

Mr. CASE: I was greatly impressed with the statement of the Rev. Mr. Kelly, made off the record the other day, because he is an Indian and appreciates what we are trying to do here. He was inclined to suggest that it was too early to invite Indian representatives to make representations to this committee. I think the subcommittee has arrived at a place where it has decided there is no one competent to name those Indian representatives. I am sending the reports to the two chiefs of the reserves adjacent to my riding. I have invited them to review them. They are competent to do so. I think those who listened to Chief Thomas Jones realized that he was a man of considerable education and ability. They are free to make certain representations to us.

In the meantime we have before us the brief that was prepared by the North American Indian Brotherhood which is a very fine outline of some of the things they consider to be grievances and that should be provided for. I am inclined to accept the report of the subcommittee and to vote against the resolution at this time, not in any sense of being prejudiced with regard to their having any representation that they may feel free to make to this committee, but I think at this time we are proceeding on the proper course to get all the information we can. They know that the committee is sitting. They are free to approach us. As the chairman has already said there is nothing to prevent anyone sitting in here, and I certainly agree with former speakers that it would be absurd to invite representative Indians to come down here for two days a week. What would they do with the rest of their time?

The CHAIRMAN: Any further discussion?

Mr. BRYCE: I was the one who seconded the Castleden motion, and I still have my original idea that the Indians should be represented on this committee. My trouble has been that I have a lot of Indians in my constituency, and when I came here in 1943 and took the matter up with the department they said one thing and the Indians said another. I found out that both the department and Indians were telling the truth, but it was in the administration where the mistakes came in. The Indian Act is going to be amended and something done with it to improve the conditions of the Indians. Surely they have got a right to be represented on this committee. I know there has been quite a lot said as to whom we are going to get. When I seconded the motion I thought it would be quite simple. I thought that the department would be able to pick out five Indians with enough education to sit in and hear representations made by the department. They would be able then to give us their story. If they were not allowed to at that time then they would be allowed to on a future occasion. They would have the evidence. They would hear it. I thought that was only quite reasonable.

Of course, I am quite agreeable to abide by the decision of the committee, but I have seen Indians starving in this country and they never should have been starving. I have seen blind Indians starving in this country and they never

should have been. The department had no intention of that ever being so. You had men coming down here and swearing on a stack of bibles as to what was taking place and there was never anything done about it. If you want to give faith to the Indians that the Hon. James Glen means what he says you have got to bring them here to hear that. That is all I have got to say.

I think there is a place in the committee not for a lot of Indians but for one or two with enough education to take part and thus let them understand what this committee is trying to do. We are trying to put the Indian on a better basis and give him the square deal that he has not had in the past.

Mr. REID: I am raising a point of order. The point of order is to protect myself if no one else. I am not going to sit in this committee and have the impression going out, in the words of the last speaker especially, that this committee is against representatives of the Indians coming here. That is the purport of the last speech. I am objecting to it. This committee has taken the stand first of all that the time is not ripe for it, and secondly some of us have taken the viewpoint that a watching brief is not sufficient for this committee, that we want the active participation of Indians. We have listened to speeches that the committee has turned the matter down as to Indians coming before the committee. I am placing on the record right now that I am not against it. I am voting against the resolution, but I am not going to have any impression go out such as some speeches that are being made would raise.

The CHAIRMAN: Mr. Bryce, you are on the subcommittee on agenda and procedure. You know that it is our policy in that committee that every decision made is unanimous. I do not want the committee to get the impression that our decisions have not been unanimous. I know you will agree to that. I think what you have said deals with generalities. It is a matter on which we all agree. We, of course, have a specific matter before us. The specific matter before us is the most desirable and advantageous way of affording representation to Indians before this committee. That is what we are trying to do. So that there will be no misunderstanding of your remarks would you like to indicate what you think of this resolution? I am not trying to embarrass you. That is not my intention, but this matter has gone through the steering committee on a number of occasions. We have discussed it at every meeting of the subcommittee, I would say. We know that we have no solution. There is no solution that we can find as to how to get Indian representation to sit in with watching briefs, as you call it. We have had telegrams which are on the record. We have a telegram from the Caughnawagas. I will read it to you. It is on the record, but I will read it again.

Mr. MACNICOL: They are a part of the Six Nations.

The CHAIRMAN: Chief Moses Diabo sent a telegram when he found out that certain representations were being made here. I have a copy here addressed to the Prime Minister which was forwarded to me. It is the same telegram that was sent to many members of the committee. It is dated June 24th and it is from Montreal. It reads:—

Councillors and band respectfully request an appointment on Wednesday 26th June for presentation of grievances to mixed committee attention: Not affiliated with North American Indian Brotherhood and have not authorized anyone to make representation on behalf of this band. Only officially elected council headed by Chief Councillor Moses Diabo Sr. are authorized. Been patiently waiting for invitation. Can't wait longer. Respectfully request an immediate reply. Sincerely yours.

That is one of the eastern tribes which has said, "We will not permit North American Indian Brotherhood to represent us."

Mr. BRYCE: I hope you are quite clear. I never said that the North American Indian Brotherhood should represent them.

The CHAIRMAN: This is the resolution we are dealing with.

Mr. BRYCE: The resolution did not say that.

The CHAIRMAN: The resolution does say that. The first part of the report, which quotes from the letter, reads:

1. That the offer of the Canadian executive of the North American Indian Brotherhood to name five Indians to this committee for those areas where the said Brotherhood is the only organization which is effective, be accepted.

Mr. BRYCE: I am talking about the original motion.

The CHAIRMAN: All right, the original motion. That is the letter in connection with our report. The original motion was:

Therefore be it moved that this committee immediately invite the Canadian Indians to send at least five Indians to represent the following five parts of Canada: (1) British Columbia and Alberta; (2) Saskatchewan and Manitoba; (3) Ontario; (4) Quebec; and (5) the Maritime Provinces; to sit in on all the deliberations of this committee with watching briefs and to be available to be examined as witnesses under oath.

Mr. CASTLEDEN: May I point out that is quite different from what seems to be in the minds of some people, that we are opposed to having people come here to represent the Indians. That is entirely separate from the question of having Indians come to represent any groups on behalf of Indians anywhere.

The CHAIRMAN: I was discussing this matter with Mr. Bryce who is a member of the subcommittee. I do not want him to be misunderstood because we have discussed this resolution in the subcommittee and in this committee.

Mr. BRYCE: If you will allow me, it does not say anything about the North American Brotherhood in our report. We talked about five Indian representatives.

The CHAIRMAN: This is the letter referring to the resolution. All right, I will withdraw the point about the North American Indians. We will come to the resolution itself. You will admit we have discussed the resolution in the subcommittee and in this committee.

Mr. CASE: Who is competent to name the representatives?

The CHAIRMAN: I do not care. If you do not want to have this cleared up it is all right with me, but I think in fairness to yourself it should be done because you know and I know and we all know that on the subcommittee we were unanimous that under the resolution we could not find in any one of the districts one representative or two who would represent all the Indians of that area.

Mr. CASTLEDEN: May I—

The CHAIRMAN: No, I am discussing this with Mr. Bryce.

Mr. BRYCE: I think we are getting more or less mixed up in this matter. The other gentlemen had an opportunity to get up and say what they had to say. I accepted that privilege, and I said what I had to say. I am sure you do not object to my saying what I have to say.

The CHAIRMAN: Not in the least.

Mr. BRYCE: Then it is up to the committee.

The CHAIRMAN: As far as I am concerned—

Mr. BRYCE: I am entitled to my say as a member of this committee.

The CHAIRMAN: I quite agree with you.

Mr. BRYCE: It was Mr. Reid who objected to what I said on a point of order. I do not know whether you gave any ruling on the point of order.

The CHAIRMAN: I merely wanted to give you an opportunity. In the subcommittee we were in unanimous agreement and I merely wanted you to clear up the wrong impression that may have been taken from your remarks by the members of the committee. However, that is the end of the matter.

Mr. CASTLEDEN: May I be allowed to reply shortly? I should like to say that I am sure that Mr. Reid did not want to create the impression that Mr. Bryce and myself or any other member of the committee is against having the Indians represented here. We are unanimous in our decision that all the Indians possible in Canada should have an opportunity to come before this committee and make representations on behalf of their tribes or their bands as the case may be. I think that is a matter of unanimous agreement. That is separate from the idea of getting a few Indians to sit in with watching briefs. That is the question we are deciding now. I understand that there are jealousies and suspicions among the Indians. I also understand that there is ignorance and fear and want, and I understand why these people are suspicious.

I do not think there is any member of parliament who sits in his seat in the House of Commons by the unanimous consent of everybody in his constituency. I am sure there are people who, while they may realize that the member of parliament may represent the majority, do not think that he is the man they would like to see there. My thought in presenting my motion was that if we could arrive at some agreement and make some arrangement whereby we could have representatives here to sit in with watching briefs it would do a great deal of good in that it would encourage confidence in the people with whom we are dealing and would have a good effect among all Indians of Canada if they know that we, as a committee of the House of Commons, have invited these people here to listen to all our deliberations. I suggest that probably we have spent more time than is necessary. I suggest we have the question.

The CHAIRMAN: Any further discussion?

Mr. RAYMOND: Before going on with the question I wish to refer to the fourth report of the subcommittee. I believe this is the explanation of the whole thing as far as your motion is concerned. We say here:

Your subcommittee would be prepared to recommend that the joint committee invite Canadian Indians to send at least five Indian representatives from the said five parts of Canada to sit in on all the deliberations of the committee if some practical way could be found to elect such delegates. However, if the mover, Mr. Castleden, will indicate some feasible manner of choosing five Indian delegates from the said five parts of Canada, who will be satisfactory to all the particular Indian organizations and tribes in those five sections of Canada, your subcommittee is prepared to receive such a suggestion and to give it due consideration.

Mr. CASTLEDEN: I did do that. I wrote a letter to the clerk of the committee the next day. That was a part of my submission. The whole of the letter is not in the fifth report. May I ask that the whole letter be placed on the record since it has been brought up? The letter makes two submissions.

The CHAIRMAN: Is it your pleasure?

Mr. CASTLEDEN: There are two suggestions.

The CHAIRMAN: Wait a minute; you have asked that I place this on the record. Is it your pleasure that I put this on the record?

Mr. MACNICOL: I fear that the impression is going out all over the country that Mr. Castleden alone is fighting the battle of the Indians.

Mr. CASTLEDEN: No, no.

The CHAIRMAN: That is obvious.

Mr. MACNICOL: As far as you, and everybody else on the committee are concerned every one who sits here is in earnest in his intention to do every-

thing that he can to alleviate the situation of the Indians. I should like the impression to go out that we are all in earnest, but in my conversation with one of the Indians at the last meeting I gathered from him they are getting the impression, because Mr. Castleden keeps putting his motion every now and then, that he alone is the one who is most anxious above all others for Indian representation. I take the stand that the time is not ripe for that until we get through with the departmental officials and perhaps the Indian agents whom we call in.

Mr. CASTLEDEN: On a point of privilege, I do not want that impression to go out. I am sorry that this matter has taken so much time. I wish it had been settled on the first day. That is why I gave notice of motion on the very first day. I do not question the sincerity of any man here. I had the idea about having Indians sit in with watching briefs. If the rest of the committee do not want that they are entitled to their opinion on the matter.

Mr. REID: It is not a question of the committee not wanting it. It is a question that they do not want it at this time. You want a recorded vote for the very purpose of putting us on the spot. Let us be frank about it. It is not putting me on the spot. I am fighting for the Indians just as much as you are. I want the Indians to come before this committee just as much as you or any other member does. Let that be clear. Do not let us have any threats of a recorded vote, because that is what you are wanting. Those two want the impression to go out that they are the champions of the Indians and that the committee would not hear the Indians.

Mr. CASTLEDEN: I did not think it had to come down to that level. I have just finished saying that I am not questioning anybody's sincerity.

Mr. REID: I am down to that level now.

Mr. CASTLEDEN: I did not think that jealousies would go that far.

Mr. REID: He does not need to accuse me of anything.

The CHAIRMAN: That is enough of that.

Mr. REID: Let us have it recorded.

Mr. CASTLEDEN: If my hon. friend feels so touchy about it I will even withdraw my request that there be a recorded vote, but let us settle the question.

The CHAIRMAN: We will settle one thing at a time. The first thing that we are going to settle is do you want to have this letter placed on the record? I would be glad to do that or read it if it is your pleasure. I will read it. The letter is addressed to Mr. McEvoy, the clerk of the committee, and is dated July 3, 1946.

Dear Mr. McEvoy—

In reply to the proposal of the steering committee that I should suggest some manner of selecting Indians to sit on the joint committee on the Indian Act with watching briefs, I submit the following:—

1. That the offer of the Canadian executive of the North American Brotherhood to name five Indians to this committee for those areas where the Brotherhood is the only Indian organization which is effective, be accepted;

2. That other Indian Associations, namely the Native Brotherhood of British Columbia, the Indian Association of Alberta, and the Union of Saskatchewan Indians, be each asked to name a representative to the committee.

I would point out that this would be the most likely method of satisfying the largest number of Indians. Complete agreement of all the Indians of Canada with any selection would obviously be impossible, as is complete agreement between members of parliament.

I would again stress the value of having some members of the Indian race sitting on this committee, and may I urge the steering committee to

deal with this matter immediately since the work of the committee has gone so far already, and many of the reports and much of the evidence presented cannot be properly evaluated without the presence of Indian who actually live on the reserves and are affected by the treaties.

I think Indian representatives could make a valuable contribution to the work of the committee.

Yours sincerely,

G. H. CASTLEDEN,
M.P. For Yorkton.

As a result of that you have the fifth report of the sub committee here to-day which quotes the two pertinent paragraphs. That will be placed on the record. Now we will proceed with the question.

Mr. RAYMOND: Question on what?

The CHAIRMAN: First of all to adopt this subcommittee report. This is now a recorded vote. It is your pleasure—

Mr. CASTLEDEN: Which report?

The CHAIRMAN: The fifth report of the subcommittee on agenda and procedure which is now before you. It has been moved by Mr. Harkness and seconded by Mr. Gibson. All those in favour of the adoption of the report? Contrary? The report is unanimously adopted.

Mr. CASTLEDEN: May I have a vote on my motion?

The CHAIRMAN: Do not get excited. We will get to you. The next matter is the resolution presented on the 30th of May by Mr. Castleden reading as follows:—

Whereas the amendment of the Indian Act will establish, for years to come, the type of control which will determine the standards of life training and, perhaps, the very existence, of these subordinated human beings to whom democracy is denied in Canada, and, whereas without democracy there can be no economic or social well being and no pride or self respect, therefore be it moved that this committee immediately invite the Canadian Indians to send at least five Indians to represent the following five parts of Canada: (1) British Columbia and Alberta; (2) Saskatchewan and Manitoba; (3) Ontario; (4) Quebec; and (5) the Maritime Provinces; to sit in on all the deliberations of this committee with watching briefs and to be available to be examined as witnesses under oath.

Is it your request that the vote be recorded? Is that your wish, Mr. Castleden?

Mr. CASTLEDEN: In view of what has been said it would be better for the whole committee if there be no recorded vote.

Mr. MACNICOL: That is good sense.

Mr. GIBSON: I would say that is very wise.

Mr. CASTLEDEN: I want it known that it is not on account of anything that has been said. I do it for the sake of unanimity and as a result of the charge that has been laid against me.

Mr. RAYMOND: One can vote for and against this motion at the same time. There are three things in the motion. First of all there is the principle of it.

The CHAIRMAN: We have before us a resolution. It is moved that this committee immediately invite, and so on, five Indians to sit in on all the deliberations of this committee with watching briefs and to be available to be examined as witnesses under oath.

Mr. RAYMOND: If the word "immediately" were not there I would vote for it because I do believe the principle is a good one. I wish to record that. With the word "immediately" there I cannot accede to it, because the other day the Rev. Mr. Kelly said it was useless. I believe in it as to the principle. The principle is good.

The CHAIRMAN: You have the resolution before you. You are either for it or you are against it. All those in favour of the resolution?

Hon. Mr. STIRLING: Do I understand this motion to mean that we are putting ourselves on record in favour of bringing Indians here for the purpose of getting information from them?

The CHAIRMAN: No, immediately, that we immediately invite the Canadian Indians to send at least five Indians to represent those five areas, and they will sit in all deliberations of the committee with watching briefs and be available to be examined as witnesses under oath.

Mr. GIBSON: May I suggest that Mr. Castleden might like to withdraw his resolution now if he does not wish to have a recorded vote?

Mr. CASTLEDEN: No, I have moved the motion and I should like it voted upon.

Mr. REID: We are not voting on the principle of whether or not we will have the Indians here. We are voting on the actual wording of his resolution.

The CHAIRMAN: I think it is safe to say that every member of the committee is in favour of the principle of having Indian representation here, but there has been no feasible manner presented to this committee either by members of the committee or by others. We had the Rev. Mr. Kelly who spoke to us as a representative of the Native Brotherhood of British Columbia, which is probably the largest organization of Indians in Canada, and the most democratic organization in Canada, and he was opposed to having Indian representatives here at this time.

Mr. GIBSON: He displayed a lot of common sense.

The CHAIRMAN: I think that every member of the committee, including both chairmen, is absolutely in favour of having representation of the Indians, but there is no feasible manner which has been shown to this committee. Mr. Castleden has not presented a feasible manner of having representation. We have asked him to do so and he has not done so.

Mr. CASTLEDEN: Pardon me; on a point of privilege, I have presented my plan and my suggestion.

The CHAIRMAN: I said "feasible".

Mr. CASTLEDEN: That is a matter of opinion.

The CHAIRMAN: I said there has been no feasible method presented. That was the unanimous opinion of the subcommittee, and by that is what I stick. No feasible or practical method has been found, and there has been none presented to this committee to-day by which we could get representation which would honestly, fairly, and equitably represent all Indians in any district. If there is one, now is the time to say so.

Mr. REID: May I point out to the committee that in so far as the Indians on the Pacific coast are concerned it would not be practical to bring Indians from that coast at the moment because just now the fishing season has commenced and will grow in intensity. No Indian would leave the coast in the months of the fishing season, if I know them rightly.

Mr. CASTLEDEN: Not even Mr. Kelly.

Mr. MACNICOL: Our counsel himself comes from the largest single band of Indians in the country, as far as I know. There are several thousands of them.

I should like to ask him this question. How would you proceed to ask the Six Nations to send some one here to sit in? What would you suggest?

Mr. LICKERS: Merely ask the Six Nations council to appoint a representative from them.

Mr. MACNICOL: That bears out what I suggested a while ago, Mr. Chairman, that you yourself should communicate with all bands throughout the country to obtain information and possibly names. If the Six Nations council would name some one you would have that to start with and you could do the same thing with the Blackfoot, the Bloods, the Crees, and so forth.

Mr. CASE: This resolution says only one from Ontario.

The CHAIRMAN: That is right. Mr. Castleden does not want to withdraw his resolution. That is all right. Those in favour of his resolution? Contrary? The motion is lost.

Mr. RAYMOND: Before you proceed do I understand that you have abandoned the idea of having Indians here?

Mr. MACNICOL: No, no.

The CHAIRMAN: I think that it would clarify it if we could have the following motion:

That whilst this committee is happy to welcome to any open meeting any person interested in the proceedings of the committee, it is not of the opinion that at the present time the work of the committee would be facilitated, or expedited, by authorizing the constant attendance before it, with watching briefs, of any number of Indians or other representatives.

Mr. GIBSON: At the present time.

The CHAIRMAN: It speaks as of the present. Would you care to adopt that resolution?

Mr. MACNICOL: Does it say "at the present time"?

The CHAIRMAN: It reads:

—it is not of the opinion that at the present time the work of the committee would be facilitated, or expedited, by authorizing the constant attendance before it, with watching briefs, of any number of Indians or other representatives.

Mr. CASE: I would move the adoption of that.

Mr. CASTLEDEN: Is that a resolution?

Mr. CASE: Yes.

Mr. CASTLEDEN: Has it been moved?

The CHAIRMAN: It is moved by Mr. Case. Do you want to support it?

Mr. CASTLEDEN: I should like it to be given as a notice of motion for our next meeting, if possible.

The CHAIRMAN: All right. The resolution has been moved. Is there anyone who will second it?

Mr. GIBSON: Yes, I second it.

The CHAIRMAN: Is it your pleasure to deal with that resolution at the present time?

Mr. HARKNESS: I think it should be dealt with at the present time. I think, as Mr. Castleden said himself a little while ago, we have already spent far too much time on this whole matter.

The CHAIRMAN: I think if we are honest about this job we will get away from the idea of always bringing up something of a contentious nature. If we are honestly trying to do a job for the Indians let us be honest about it and

et it over with. All those in favour of this resolution? Contrary? That motion has been adopted. Now, gentlemen, I think we had better take a recess for a few minutes.

—whereupon the committee adjourned for a short recess.

—on resuming after recess.

The CHAIRMAN: Gentlemen, is it your pleasure to proceed with Mr. Leslie at this time? Before Mr. Leslie proceeds let me remind you that you have your minutes of proceedings, number 10, dated the 4th day of July, 1946, before you. That has Mr. Leslie's evidence in chief. In view of the fact that some of you have just received your minutes of the last meeting is it your pleasure to proceed now with Mr. Leslie or would you like an opportunity to study his evidence somewhat with the purpose in mind of asking intelligent questions? We could proceed with Mr. Brown if you would like to do that. That is another Mr. Brown.

Mr. MacNICOL: Mr. Brown will give evidence?

The CHAIRMAN: Mr. Brown could give evidence if you would like to do that.

Mr. MacNICOL: I suggest that we do that. As some have only received the minutes now they are not in a position to ask questions.

Mr. CASE: I could not hear what Mr. MacNicol said.

Mr. MacNICOL: I said as some have only just now received the report of the committee at which Mr. Leslie appeared I think they should be able to read it over before they start to ask questions so as not to waste time.

Mr. CASE: I have some questions ready to ask the witness. I think this would be the best time to ask them.

The CHAIRMAN: Of course, there is this to it. We can always recall Mr. Leslie for further questioning if we so desire.

Mr. FARQUHAR: Is it the procedure to question Mr. Leslie now?

The CHAIRMAN: If that is your pleasure. I merely suggested in view of the fact some of you have only now received the minutes you might want to study them before asking questions.

Mr. CASTLEDEN: Is Mr. Leslie's statement complete?

The CHAIRMAN: Yes. Is it your pleasure that we proceed with Mr. Leslie or should we proceed with Mr. Brown?

Mr. CASE: I suggest that we proceed with Mr. Leslie.

The CHAIRMAN: All in favour of Mr. Leslie?

Mr. RAYMOND: No, I do not believe it is fair. I have not had time to examine his evidence.

The CHAIRMAN: All those who would like to hear Mr. Brown and leave Mr. Leslie until later kindly raise their right hands? Five. All those who would like to hear Mr. Leslie now and Mr. Brown later? Three. I am afraid you are outnumbered. If it is your pleasure I will ask Mr. Brown to come forward. We will ask Mr. Leslie to be prepared a little later. Gentlemen, apparently I have got myself into an embarrassing predicament in that the gentleman at the rear is not Mr. Brown. It will take five minutes for him to get here. If you would like to have Mr. Case ask Mr. Leslie his questions then we will have Mr. Brown later.

Mr. CASE: I should like to ask Mr. Leslie some questions.

The CHAIRMAN: Would those gentlemen who were in favour of having Mr. Brown be agreeable to question Mr. Leslie now?

Mr. RAYMOND: I have no objection at all.

The CHAIRMAN: Do you want Mr. Brown to-day?

Mr. CASTLEDEN: There may not be time.

The CHAIRMAN: All right, we will proceed with Mr. Leslie.

A. G. Leslie, Reserves and Trusts Service, Indian Affairs Branch, Department of Mines and Resources, recalled

Mr. CASE: What is the order of procedure?

The CHAIRMAN: Mr. Leslie has some remarks he would like to make in connection with the typewritten sheets that have now been placed at your disposal. (Printed as Appendix L).

The WITNESS: I should like to say that these are typical of the statements forwarded to each Indian agent at the end of the fiscal year or as soon after that as they can be prepared and distributed. I had in mind that if these were before the committee it might enable them to ask questions which would not otherwise occur to them. It is my desire to have you inform yourselves as fully as possible about these matters as far as it is in my capacity to answer the questions that you may direct to me.

Mr. CASE: The questions I have relate to Mr. Leslie's remarks which he addressed to the committee, on July 4th.

The CHAIRMAN: You are quite at liberty to ask them.

By Mr. Case:

Q. I was going to ask first this question. Mr. Leslie is an assistant to Mr. Allan and Mr. Allan is chief of the trust fund division?—A. That is true.

Q. Who arranges the transfer of funds between bands?—A. I would say Mr. Allan is the final authority on that, under the authority of the Act, of course.

Q. You made reference to the purchase of lands, and so forth. Is it the general practice of the department to purchase outside lands for the bands?—A. I would prefer if that question were left to be answered by Mr. Brown who will appear before you later.

Q. Then there is the privilege of commuting their trust funds. That is taking out lump sums?—A. Yes.

Q. Who makes the decision, and then I might ask this other question well. Does the council of the band pass upon the recommendation? Who makes the decision and does the council of the band pass upon the recommendation?—A. No, the council of the band does not pass on that.

Q. The decision is made by the department?—A. By the department, but the individual who is seeking commutation makes application. There is an application form provided, and the individual seeking commutation completes that form. It is certified by the Indian agent and forwarded to the department.

Q. Never at any time is it referred to the council of the band?—A. No.

Q. Is there representation made that the council of the band should pass upon the qualifications of the Indian to determine whether he is going to be able to carry on after he has probably dissipated his trust fund?—A. It is not possible you are confusing enfranchisement and commutation?

Q. No, I am trying to stick to commutation.—A. It is provided in the Act when a former member receives moneys paid at commutation she is finished with her interest in the funds of the band or in any cash benefits to be derived. Before that application is made the person has already lost band membership by reason of marriage to a non-Indian. The Act stipulates that on marriage to a non-Indian she ceases to belong to the band.

Q. Automatically?—A. Automatically.

Q. I think you did give the answer to this, and if you cannot remember the figures offhand I will let it go. What is the average yield of the trust fund now?—A. I will give it in two figures, approximately \$800,000 from government interest and probably \$1,000,000 from other sources.

Q. What effect has reduction had in paying out? That is where your average rate of interest has decreased. Is that taken into account when you are paying out funds or do you encroach upon the principal if necessary?—A. No, we would never encroach upon the principal.

Q. So it would have a direct effect then on your ability to pay out?—A. Definitely.

Q. How does that affect individuals? Do they have less money?—A. You mean the reduction in the rate of interest?

Q. Yes.—A. There has been no reduction since 1917, as you will recall, and naturally prior to that I cannot say, but it would have the effect of making impossible interest distributions to certain bands who are now just on the borderline of having sufficient funds to enable distribution to be made.

Q. Are the trust funds earmarked for the various provinces or what regional earmarking do you have?—A. No, they are the distinctive and separate property of individual bands. Provinces do not enter into it. Occasionally you have bands which reside on the border of a province, and the band property, or where they live, is the determining factor.

Q. What supervision, if any, have you with respect to the investment of trust funds?—A. None, sir. That is the responsibility of the Department of Finance. I believe there is no investment at present in the ordinary sense of the term.

Q. Have you any supervision at all with respect to trust funds throughout Canada?—A. None as to investment.

Q. That is entirely with the department?—A. That is right, the Department of Finance.

Q. Have the department then an investment council that deals with the trust funds?—A. My understanding of that is—I would like to make it clear at this point that I am a junior official so I am not sure I can answer that question adequately—but my understanding of it is that these moneys form part of the Consolidated Fund of Canada and are treated the same way as other parts of that Fund.

Q. What do you think caused an increase in the trust funds?—A. There would be various factors entering into that during the last five years; generally the economic prosperity of Canada would be a reason for it. There was an increasing demand for Indian land and timber in connection with the war effort. When such land and timber was sold—there was a ready sale for them in the past few years as you know—that resulted in a marked increase. Another factor is that there is, in effect throughout western Canada particularly, land sale agreements. For various reasons beyond the control of the purchaser in the 1930's, he was not always able to meet his instalments; but recently there has been an increased demand for farm products and there have been good crops, which is a change from previous to 1939; so he has been able to meet his obligations in regard to paying off instalments due on land purchases. Another factor: where the land is leased on the crop share-basis, a quarter of the crop is common allotment for the payments on those lands. When the crops were poor the quarter share did not amount to much; but in the past few years, they have amounted to a great deal more. Those would be the chief factors, I believe.

Q. Is it the policy of the department to encourage the building up of the trust funds? Do you like to see the trust funds increasing even though the band might be able to use more money?—A. No, I believe I am safe in saying that the policy of the minister is to have the Indians use the band funds. There is no benefit to the Indians in having them increase alone. The only stipulation

is that we would like to see the band funds be used for constructive uses such as houses, benefits to aged individuals, bringing more land into cultivation, and for the building of roads.

Q. Generally for the benefit of the reserve and the band.—A. Yes. It is not the wish of the department to build up band funds just for the sake of having a large balance alone. Any desire to build it up is for the reason that we may have more money to use for the purposes which would enable the Indians to have better housing, to look after aged people of the band, and to have better roads and to progress generally.

Q. You referred to revenue and capital account. What is meant by revenue account, and how do you determine it?—A. The proceeds of the sale of capital assets such as timber and land are deposited to the credit of capital account. The interest on that balance at the end of March is deposited to the credit of revenue or interest account. Also, into the revenue account, go rentals of land, ground rentals for timber, proceeds of Indian produce sold, that is, property of the band held in common such as grain raised on band-owned farms. Does that answer your question?

Q. That would be revenue account?—A. Yes.

Q. With respect to loans, are they ordinarily repayable?—A. Yes.

Q. Are such loans actually being repaid?—A. Definitely. In the last five years particularly.

Q. Are loans made to individuals, or just to the band?—A. No, loans are made to individuals and very rarely to bands.

Q. But they can be made to bands?—A. Yes. About the only example I can think of is this: we had an experience of that kind in western Canada not so long ago; they wished to purchase heavy farm machinery such as tractors, combines, binders, and such things; and they applied to borrow \$6,000, from their capital fund. They agreed to repay that sum in five yearly instalments of \$1,200 each, together with interest at 5 per cent. That would be an example of where a loan is made to a band.

Q. And the implements so purchased would be used for the community generally?—A. That is right. Where these implements are used for the benefit of the individuals, we consider it sound practice to charge, or to have the Indians charge themselves an acreage or hourly rate for the use of those implements, not with any profit motive in view to the band funds itself, but merely to have a fund available with which to replace those implements when they become worn out. Generally speaking, the Indians are in accord with that practice.

Q. What security, if any, do you require for loans?—A. For loans to individuals?

Q. Or loans to a band?—A. In the case of individuals, the Act stipulates that no loan shall be greater in amount than one-half of the interest of the borrower in the land held by him; so we take a land mortgage signed by the borrower covering his property. If he has not property, if we can determine that he has improvements on the property he occupies which would represent assets we could realize on, in case of default a chattel mortgage is taken on those improvements. That covers losses from capital account. If an Indian wishes to borrow from his band funds and his land or property is not of such a nature that we can take it as security, and also, if the Indian agent has reported that this man certainly merits help, then we take stock or farm equipment and take the loan moneys from the revenue account. As I pointed out to you in the report previously submitted, there is no hard and fast rule for the general revenue account. Therefore we have adopted the practice of making loans from revenue accounts where the assets of the prospective borrower are not of a nature to justify the loan being made from capital account.

Q. You would enter into the agreement on the signature of the Indian consultant himself?—A. That is right.

The Indian agent does not enter into it?—A. Except in the capacity of witness to the agreement.

Q. But it is the Indian himself who gets the loan?—A. Yes.

By Hon. Mr. Stirling:

Q. In those cases does the band council express its opinion as to the worthiness of the borrower?—A. Very definitely. The borrower presents his request first to the band in council and it must have their approval before it goes any further.

By Mr. Farquhar:

Q. Is that done in all individual cases?—A. All that I know of or can recall.

By Mr. Case:

Q. Does interest accumulate if there are any arrears?—A. Yes.

Q. If they do not pay off the debt?—A. If the debt is not repaid, the Indian is given every reasonable opportunity to put himself back into good standing so far as the loan is concerned. Then, if it appears that the Indian is not going to be in a position to repay, he is given notice of foreclosure. There is a procedure established and he gets a notice that he must either pay the money or make some re-arrangement. If he indicates that he proposes to do something in repayment that is accepted and no action is taken; but if he is perfectly indifferent as to repayment, then a notice of foreclosure is sent to him by registered mail and, upon the expiration of thirty days, foreclosure proceedings are instituted and the property is taken possession of by the band.

Q. By the band?—A. Right.

Q. You spoke about outside creditors. What do you mean by outside creditors?—A. I meant storekeepers and other farmers. The storekeepers may have given him food supplies, perhaps; and the other farmers may have sold him livestock or seed. Those are matters largely between the Indians concerned; but in many cases without the knowledge or consent of the Indian agent.

Q. Without the knowledge and consent of the Indian agents, the debt is not readily collectible?—A. No.

By Mr. Farquhar:

Q. Isn't that true whether or not you have the knowledge or consent of the Indian agent? Suppose a merchant advances goods to an Indian, he does so on his own responsibility?—A. No; I think that the agent would seek to have the Indian promise that he would pay the debt out of moneys coming to him in the future.

Q. Supposing he does not agree to do that?—A. Then it would be the responsibility of the person extending the credit.

By Mr. Case:

Q. An Indian could not be sued on his own; if he entered into a deal and the creditor took action, unless there was the okay of the Indian agent, the Indian could not be sued in court.—A. I believe that is correct. There is a provision in the Act whereby the vendor of goods could enter upon a reserve and repossess the goods, but only with the consent of the Indian agent; that applies more particularly to articles such as pianos or phonographs.

By Mr. Farquhar:

Q. The goods could be repossessed in what way?—A. It is pretty much only where the Indian has made a rash purchase, such as a piano, a high pressure salesman may contact the Indian and load him up beyond his capacity to pay.

By Mr. Case:

Q. Have the provinces made a practice of supplying seed grain to the Indian reserves?—A. Only through arrangement with the department, so far as I am aware. It is the agent's responsibility to see to it, as far as he can, that an adequate seed supply is available. He may purchase it from the province or from individuals.

By Mr. Bryce:

Q. But the agent will, in every case, pay for that by cheque?—A. Yes.

Q. I would like to go through the procedure of an Indian buying grain, suppose he wants to buy seed from an outside person. What procedure must he go through?—A. As far as possible he speaks to the Indian agent about it; and if it is an individual case, the band submits the resolution that this man be advanced, say, \$100 from the band funds. If the circumstances warrant it, we write back saying that it is approved. Then this man acting either with the consent of the Indian agent—or he may delegate the Indian agent to make the purchase for him—will go to the merchant or to the farmer selling grain and purchase it; then the agent will submit the account to Ottawa where it is paid by cheque issued to the vendor. Now, if he arranges it without the knowledge of the agent, that is something entirely between the two men.

Q. But the Indian has not the right to go and purchase goods; the Indian agent purchases the goods and he, in turn, sends to Ottawa for the cheque to pay for the goods.—A. The Indian has the right, if he has the money.

Q. But if he is borrowing money, then he never touches the money himself. The business is all done for him?—A. That is right.

By Mr. Case:

Q. At one time it was the policy of the department to encourage an increase of band funds; but according to your statement this morning, there is a change in that policy to some extent?—A. I would hesitate to answer that question.

Q. You said in your brief that great credit was due to the department in the past for the accumulation of band funds. Now you have departed from that policy to some extent?—A. Yes, but I might qualify my statement. They accumulated band funds and they deserved credit; but perhaps they made considerable expenditures at the same time. I could not speak about that. I was merely speaking about the building up of the funds and was not implying what they might not have spent on behalf of the Indians.

Mr. CASE: I have one more question which I would like to ask Mr. Lickers. I notice that he shook his head when I was asking about the responsibility for the debt of an Indian.

Mr. LICKERS: The Indian can be sued; and if he has any property off the reserve, it can be attached. For instance, if he owns an automobile and drives that automobile into town, the bailiff might be waiting for him and might seize the automobile, off the reserve.

Mr. CASE: But he does have some protection while on the reserve?

Mr. LICKERS: Yes, he has protection while on the reserve; but in connection with the purchase of an article by an Indian, suppose he purchases a sewing machine and he takes that sewing machine on the reserve, the seller has a lien on it without even taking a lien note or a chattel mortgage or anything else. Under the Indian Act he can go down to the reserve and seize the article right on the reserve and take it off the reserve.

Mr. FARQUHAR: Is that true of anything?

Mr. LICKERS: No; it is one of the provisions of the Indian Act.

Mr. RAYMOND: Suppose an Indian comes to me and borrows \$10. Could I sue the Indian if he failed to repay that money?

Mr. LICKERS: You could sue him.

The CHAIRMAN: It is the matter of realizing on a judgment, not a matter of bringing action.

Mr. CASE: That completes my questioning of Mr. Lickers, unless he has some general observations to make that might be of interest to the committee.

Mr. MACNICOL: How could the Indian be served? Would the process server have to go to the chief of the band?

Mr. LICKERS: The officer serving a writ goes directly to the house where the Indian lives.

Mr. FARQUHAR: I was of the opinion that you could not sue an Indian for debt.

Mr. LICKERS: Oh yes, you can.

Mr. CASE: I would like to ask Mr. Leslie, if he has any recommendation he would care to make in regard to having the Indians make increased use of their band funds?

The WITNESS: I would say that the increased use of Indian funds by the Indian bands should be encouraged; and I think that one way that conditions in that regard could be improved is to have the inspector annually, or as often as he has the time, talk over with the band in council the whole question of band funds. The agent does what he can, no doubt; but the inspector would be able to give more details because he knows the Ottawa feeling in the matter more than the agent does. I think that such discussions would do away with a great deal of misunderstanding as to the attitude of the department in regard to the use of funds.

By Mr. Case:

Q. Those trust funds have nothing to do with the Indian treaty rights?—
A. No, they are distinctly separate.

By Mr. Castleden:

Q. Do you make out a copy of the account in connection with the trust funds for each band, each year, and is such a copy the property of each band?—A. They are sent to the Indian agent with instructions that they be made available to the Indians at all reasonable times. The Indians have the right to see them and to examine them and discuss them in council.

Q. Why is not a copy sent to the band?—A. In many cases we would have difficulty in locating the band; if representations were made by an individual to the agent, we could furnish such copies.

By Mr. Bryce:

Q. The general complaint in Manitoba is that they do not know how much money they have got. I see here that you are neglecting Manitoba again; there is no specimen for Manitoba. I would like to see one of the best and one of the worst of them.—A. I would be glad to correct that omission.

Mr. BRYCE: Do not forget Manitoba; she is the banner province.

By Mr. Castleden:

Q. Are there cases where they have refused to provide the band with a copy of their trust account?—A. The instructions to the agents are certainly to show such statement to the Indians and to discuss it with them.

Q. Suppose a sale is made of a part of a reserve; that has been done?—
A. Yes.

Q. Who determines whether or not the sale shall be made?—A. I will answer that very generally because you will have another man before you

in that connection. The first thing necessary is a surrender by a majority of the voting members of the band.

Q. But that is not always done.—A. I am not aware of any exception; but it is possible. You can get more information about that later.

Mr. BRYCE: Is that always done?

Mr. HOEY: Always.

By Mr. Castleden:

Q. There was the case of a property survey in Alberta last year for power sites. We were informed in the House that the band was not consulted. Very well, that is another department. Could you give us the amount that is due and outstanding to the Indian bands in the different provinces for the sale of property, or could you give us a general amount for the whole of the trust fund?—A. I could give it to you for the whole of the dominion; \$415,265.58 was owing on March 31 last on land sale agreements.

By Mr. MacNicol:

Q. Owing by whom?—A. By the purchasers of the various lands.

Q. Does the government allow any land of the Indians to be sold without making certain that payments will accrue to the band funds?—A. That is something that cannot be provided for; suppose the purchaser agrees to a certain price in good faith, payable in instalments over a period of years, perhaps by crop share agreement. It would be beyond the power of anyone to collect where there is no crop. That might be one case of an exception.

By Mr. Castleden:

Q. With regard to the sale of property, I understand in every case that the consent of the band is a first prerequisite.—A. That is true, as stated in the surrender.

Q. How is the consent of the band given?—A. By 51 per cent of the voting members male members over twenty-one years of age.

Q. How is the price arrived at?—A. The price is arrived at in the department with the consent of the Indians before the surrender which is the crux of the sale negotiations, as far as the interests of the band is concerned. Negotiations are taken up with those interested first; that is, the band is consulted through the department who with the purchasers get together on the price. I hope that answers your question, but I would prefer it if you asked this question when Mr. Browne is here because that is his work and he is much better qualified to answer the question than I am.

Q. Who carries on the collection of this account?—A. It is done by a division of the treasury branch. They enter the particulars of the contract in a ledger, and notices of instalments due are mailed at the appropriate times to the people owing the money.

Q. That is not done by your branch?—A. It is attached to our branch.

Q. And those funds are audited regularly by your branch of the department?—A. Yes.

Q. And those funds become part of the consolidated revenue of the Dominion of Canada?—A. Yes.

Q. With regard to relief, suppose relief is found necessary on a reserve and the Indian band makes application for funds to pay for that relief?—A. There are different procedures. Sometimes applications for relief are dealt with by the band in council. In other bands the Indian concerned, or someone acting on his behalf, makes application to the agent.

Q. And does the government grant any relief directly to the Indians or do they always charge relief against band funds?—A. For one year the relief granted directly, as you say, from Parliamentary Appropriation to the Indians was in

excess of \$700,000, and in the same year from band funds relief was slightly more than \$200,000. Does that answer the question?

Q. What I was thinking about is how that is provided for in the case of a band that has very little funds. Suppose they require relief. If one Indian band has a large trust fund they can draw on it and live fairly well. If another band happened to be settled on land that could not be used economically they might be a very poor band and would have to go on relief. How is it equalized?—A. That is not the case. They are all treated on the same basis. For those who have no funds relief at approximately the same rate is paid from the welfare appropriation. Those who have funds pay the relief from their trust funds.

Q. Is that relief repayable?—A. No. Under very exceptional circumstances it might be, but generally no.

Q. You gave an account last day of the transfer of some of these debts to uncollectible accounts?—A. Oh, yes. That would not be relief. These people to qualify for relief must be considered destitute.

By Mr. Farquhar:

Q. Did you say they were all paid on the same basis?—A. Within a reasonable range, yes. The welfare division establish what they consider to be an adequate scale of relief, and when we pay relief from their band funds we pay on that same scale in most cases. There are some bands that are richer, and by resolution of the band we supplement the official ration with cash or increased supplies.

By Mr. Castleden:

Q. Have you got any of those standards here?—A. No.

By Mr. Farquhar:

Q. In this financial summary all the bands in the agency are not included, are they?—A. To which one do you refer?

Q. I refer to some of the bands in northern Ontario including the Manitoulin Island—A. As I remarked before I chose those as typical ones.

Mr. MACNICOL: I should like to ask about the Blackfoot hospital.

The WITNESS: Here is a book containing the statements for all bands.

By Mr. Case:

Q. How many are there altogether?—A. There are over 400 and I just chose six as types. That is all. I am sorry I omitted the Manitoulin.

By Mr. Matthews:

Q. Each with an agency?—A. There may be several bands in one agency.

By Mr. Farquhar:

Q. What is the idea of selecting these few?—A. I chose the Blackfoot because they pay everything practically from their band funds with the exception of the salary of the agent and his clerks. They pay costs of their farming operations, relief rations and all maintenance costs.

By Mr. MacNicol:

Q. Where is the Blackfoot hospital located?—A. At Gleichen.

Q. Who is it operated by?—A. By the Department of Health and Welfare.

Q. Are any of the nurses in the hospital Indians?—A. I could not tell you that.

Q. Are any of the nurses in the hospital Indian girls?—A. I could not answer that question.

Q. Is there no effort made to train the Indian girls for hospitals to act as nurses?

The CHAIRMAN: I think he said he could not answer the question.

Mr. MACNICOL: I know in the Moravian band of the Delaware tribe quite a number of girls have been trained as nurses and do excellent work.

By Mr. Castleden:

Q. As to the Six Nations of Grand River band you have a reference here to royalties on oil wells, \$260. How is that arrived at? Do they surrender their rights for the use of that on the Six Nations reserve?—A. They negotiate a surrender which in the first place permits a surveyor to enter on the property, that is the proper name for a man who checks on oil deposits. Then the next step is a further agreement to enable them to go on for development. The right to go on for oil survey purposes is usually a flat rate per acre, 10 cents or some such sum as that.

Q. How is the agreement arrived at? Does that also require the consent of 51 per cent of the members?—A. Yes, before the surrender is completed.

Q. That was done in this case?—A. So far as I am aware, but once again that will be answered by Mr. Brown.

Q. How about the development of lumbering operations? I notice that sometimes there are rentals of lumber and lumbering operations. Where there is lumber available is there any effort made to have the Indians themselves operate their own lumber mill?—A. Yes. Where possible that is definitely encouraged. There is quite often too a stipulation, to employ Indians as far as possible, embodied in the contract with an outside operator.

By Mr. Bryce:

Q. Can you tell us anything about the houses that were built at Fisher Branch? They were built without assistance. Did they get any assistance whatever?—A. That is Fisher River?

Q. Fisher River Reserve?—A. So far as I am aware they got no assistance from the band funds.

Q. They built seven houses there, some of them worth \$5,000. You cannot tell us anything about that?—A. No, as far as I am aware that was a project separate from the band funds.

By Mr. MacNicol:

Q. Coming back to the Blackfoot hospital, are you able to answer any questions?—A. I will be glad to answer any I can.

Q. The hospital was built by the band?—A. Yes.

Q. Who let the contracts? Did the department let the contracts?—A. I do not know.

By Mr. Castleden:

Q. Last day you were remarking about money used from the trust funds for the building of schools, churches, and halls?—A. Yes.

Q. Would you enlarge on that statement and tell us under what circumstances trust funds have been used to build these halls or schools and other cases where the church has built them?—A. As I said before, the building of schools from trust funds is no longer done. As to churches, however, where the entire band membership belongs to one denomination and they submit a resolution requesting that an expenditure be made from their funds for that purpose it is usually permitted.

Q. Can you tell us the amount of money that has been expended out of trust funds for the building of churches, schools and halls as you have outlined it in your report last day?—A. That would involve a considerable search of old files. If you wish I can get the information for you and present it at a later date.

Mr. HOEY: No schools have been built from band funds since I came in ten years ago, and I do not think any have been built within the last twenty-five years.

Mr. CASTLEDEN: What is that?

Mr. HOEY: I do not think that any schools have been built from band funds at any time during the last twenty-five years, and certainly none since I came into the department.

By Mr. Castleden:

Q. How about recreation halls?—A. Yes, they are built from time to time now from band funds.

Hon. Mr. STIRLING: Mr. Leslie, in the Indian trust fund statement there is an item land sales and registration fees, \$215,000, under receipts, and under disbursements there is an item, "purchase of land for bands, \$964". Does that give any sort of picture?

The CHAIRMAN: To what are you referring?

Hon. Mr. STIRLING: The Indian trust fund statement, the last two sheets of this mimeographed document.

The CHAIRMAN: Indian trust fund 1943-44, and what item?

Hon. Mr. STIRLING: On the receipts side I draw your attention to the sixth or seventh item, "land sales, \$215,000", and on the disbursement side in the fourteenth or fifteenth line, "purchase of land for bands, \$964". A great deal more land has been sold on reserves than has been purchased. Does that give any sort of picture?

The WITNESS: No. That large sum, as I pointed out earlier, results from increased collections on land sales made many years ago. The amount of collections has increased greatly due to current prosperity. I would say that was not a true picture as to the relation between sales and purchases.

By Hon. Mr. Stirling:

Q. Let us go back to the British Columbia cut-off agreement I referred to earlier in the proceedings. Lands were given up by the reserves by agreement, and I presume from what you have said to-day by the consent of the bands interested, so that those pieces of land which were given up were just ordinary lands, Crown lands. They were there for sale and when sold I am told that half the proceeds went to the consolidated revenue fund and half to the band funds. Would such a transaction as that pass through this Indian trust fund or would that sum of money go directly to the band itself?—A. No, it would go to a special account called "the Indians of British Columbia".

Q. And appear in this?—A. Yes, it would. It is covered. If such a sale occurred during the year 1943-44 it would appear as an item under receipts here.

Q. That sum of money would be in the possession and be the property of that band and would be handled by them as all their other band funds?—A. No, there has been some contention in that respect. The agreements in that regard provide that the proceeds of the sales of such cut-off lands shall be credited and used for the benefit of "the Indians of British Columbia". I might say that has raised a serious problem of administration. Just how can you use, say \$1,000, for the benefit of the Indians of British Columbia? In one such case it was referred to the minister who directed that where feasible those moneys were to be used for the benefit of the band whose lands these formerly had been.

By Mr. Castleden:

Q. There is a question I have on the final page as to the Indian trust fund. You have got grants for maintenance of Mohawk Institute, \$3,000, and Lytton residential school, \$4,725.—A. Could Mr. Hoey answer that question?

Mr. CASTLEDEN: Is that taken out of the general trust fund?

The WITNESS: That is money received directly from the churches. You will notice there is a like amount in the receipts.

The CHAIRMAN: Gentlemen, it is now 1 o'clock. Probably we will have the answer for that for the next meeting on Thursday.

Mr. CASE: Just before we adjourn I was wondering if it would be possible to have the submission by the North American Indian Brotherhood put into the record?

The CHAIRMAN: It is in the record at page 428. We will meet again on Thursday at 11 o'clock.

The committee adjourned at 1 o'clock p.m. to meet again on Thursday July 11, 1946, at 11 o'clock, a.m.

APPENDIX L

KENORA AGENCY—ONTARIO

ASSABASKA BAND—A/C No. 211

Population
261

	Agent N. W. Paterson Dr.	Cr.
<i>Capital</i>		
April 1, 1945. Balance.....		\$ 169,747 05
Timber dues.....		777 42
Shares of transferred Indians.....	\$ 16,154 00	
March 31, 1946. Balance.....	154,370 47	
	<u>\$ 170,524 47</u>	<u>\$ 170,524 47</u>

<i>Interest</i>		
April 1, 1945. Balance.....		\$ 16,153 66
Government interest.....		9,295 04
Relief supplies.....	\$ 947 94	
Interest distribution.....	3,645 00	
Funeral accounts.....	17 00	
Building material.....	126 72	
March 31, 1946. Balance.....	20,712 04	
	<u>\$ 25,448 70</u>	<u>\$ 25,448 70</u>

BLACKFOOT AGENCY—ALBERTA

BLACKFOOT BAND—A/C No. 138

Population
961

	Agent H. E. James Dr.	Cr.
<i>Capital</i>		
April 1, 1945. Balance.....		\$1,551,998 48
Payment on land.....		23,232 02
March 31, 1946. Balance.....	\$1,575,230 50	
	<u>\$1,575,230 50</u>	<u>\$1,575,230 50</u>

<i>Interest</i>		
April 1, 1945. Balance.....		\$1,145,306 69
Government interest.....		134,865 26
Interest payment on land.....		6,388 40
Sale of mowers.....		235 00
Sale of bulls.....		281 65
Dundry rentals.....		26,810 28
Assignments.....		7 00
Dundry refunds.....		94 16
Interest distribution.....	\$ 27,050 00	
Relief supplies.....	38,023 99	
Salaries other than at hospital.....	13,005 55	
Funeral accounts.....	912 30	
Water rights.....	1,064 28	
Coal, light, telephone and repairs to Band property.....	6,493 90	
Purchase of bulls.....	4,478 73	
Aid to coal mine.....	1,500 00	
Summerfallowing.....	3,000 00	
Expenditure on behalf of farming Indians.....	15,854 81	
Medical expense and upkeep of hospital.....	24,638 23	
Rental distributed.....	300 00	
Education.....	611 00	
Christmas cheer.....	250 00	
Dundry expenses.....	732 34	
March 31, 1946. Balance.....	1,176,073 29	
	<u>\$1,313,988 44</u>	<u>\$1,313,988 44</u>

QU'APPELLE AGENCY—SASKATCHEWAN

MUSCOWPETUNG BAND—A/C No. 214

Population
189Agent
Frank Booth
Dr.

Cr.

Capital

April 1, 1945. Balance.....		\$ 107,522 02
Payments on land.....		2,973 54
Payments on loans.....		64 45
Band loans to Indians.....	\$ 583 59	
March 31, 1946. Balance.....	109,976 42	
	<u>\$ 110,560 01</u>	<u>\$ 110,560 01</u>

Interest

April 1, 1945. Balance.....		\$ 21,819 21
Government interest.....		6,467 06
Interest payments on land.....		533 89
Payments on loans.....		414 55
Grazing dues.....		46 00
Rental.....		4,928 81
Collections a/c horses, fines, etc.....		75 00
Relief supplies.....	\$ 1,608 90	
Interest distribution.....	5,670 00	
Funeral accounts.....	32 79	
Well and fence repairs.....	219 91	
Compensation for loss.....	150 00	
Sundry expense.....	9 25	
March 31, 1946. Balance.....	26,593 67	
	<u>\$ 34,284 52</u>	<u>\$ 34,284 52</u>

SIX NATIONS AGENCY—ONTARIO

SIX NATIONS OF GRAND RIVER BAND—A/C No. 33

Population
5,520Agent
Lt.-Col. E. P. Randle
Dr.

Cr.

Capital

April 1, 1945. Balance.....		\$ 708,666 18
Payments on land.....		759 55
Payments on Band loans.....		1,905 89
Timber dues.....		157 00
Royalties on gas wells.....		260 00
Shares of enfranchised Indians.....	\$ 128 18	
Loans to Indians.....	2,271 40	
Settlement of estates.....	46 33	
Individual interest in property.....	400 00	
March 31, 1946. Balance.....	708,902 72	
	<u>\$ 711,748 63</u>	<u>\$ 711,748 63</u>

Interest

April 1, 1945. Balance.....		\$ 51,382 43
Government interest.....		44,447 86
Road subsidy.....		10,434 25
Collection a/c Town line road.....		190 34
Rentals collected.....		7,740 89
Collections a/c coal, seed and sundry debts.....		8,936 55
Interest payments on Band loans.....		816 27
Coll. interest on land.....		107 44
Relief supplies.....	\$ 3,254 99	
Salaries and pensions.....	8,274 89	
Interest distribution.....	21,815 76	
Funeral accounts.....	703 00	
Expenditure re Band property.....	3,820 35	
Coal and coke.....	2,318 99	
Purchase of grain and aids to agriculture.....	3,493 07	
Expenditure on roads.....	21,000 00	
Donation to charity.....	1,000 00	
24th May celebration.....	249 21	
Grant to lacrosse club.....	100 00	
Compensation for fire and wind loss.....	1,095 11	
Rentals returned, etc.....	8,591 27	
March 31, 1946. Balance.....	48,339 29	
	<u>\$ 124,055 93</u>	<u>\$ 124,055 93</u>

VANCOUVER AGENCY—BRITISH COLUMBIA

SQUAMISH BAND—A/C No. 54

Population
505

	Agent J. D. Caldwell Dr.	Cr.
<i>Capital</i>		
April 1, 1945. Balance.....		\$ 180,332 12
Payments on Band loans.....		1,069 71
Wood dues.....		63 89
Loans to Indians.....	\$ 446 30	
March 31, 1946. Balance.....	181,019 42	
	<u>\$ 181,465 72</u>	<u>\$ 181,465 72</u>
<i>Interest</i>		
April 1, 1945. Balance.....		\$ 25,892 24
Government interest.....		10,321 31
Interest on Band loans.....		98 37
Rentals.....		11,570 30
Transfer fee.....		3 00
Relief supplies.....	\$ 2,683 49	
Salaries.....	205 00	
Interest distribution.....	14,030 00	
Funeral accounts.....	322 50	
Building material and repairs to houses.....	459 49	
Repairs to water system and water rates, etc.....	2,592 02	
Repairs to roads.....	125 00	
Fishing boat and sundry expenses.....	346 33	
March 31, 1946. Balance.....	27,121 39	
	<u>\$ 47,885 22</u>	<u>\$ 47,885 22</u>

ST. REGIS AGENCY—QUEBEC

IROQUOIS OF ST. REGIS BAND—A/C No. 46

Population
1,613

	Agent T. L. Bonnah Dr.	Cr.
<i>Capital</i>		
April 1, 1945. Balance.....		\$ 57,245 76
Payment on Band loans.....		69 62
Royalty on sand.....		224 00
Transfer (Sawatas estate).....	\$ 500 00	
March 31, 1946. Balance.....	57,039 38	
	<u>\$ 57,539 38</u>	<u>\$ 57,539 38</u>
<i>Interest</i>		
April 1, 1945. Balance.....		\$ 6,628 21
Government interest.....		3,478 24
Interest on Band loans.....		80 38
Rentals.....		1,632 36
Trespass fines.....		25 00
Interest on property.....		133 34
Relief supplies.....	\$ 3,126 08	
Salaries.....	597 50	
Funeral accounts.....	50 00	
Indian houses.....	11 74	
Fuel coke.....	524 06	
Fuel for church and upkeep of Band property.....	457 69	
Seed and fence posts.....	48 02	
Repairs to roads and bridge.....	612 74	
Rental paid out and sundry expenses.....	1,088 37	
Transferred to special account for Hamilton Island.....	4,422 08	
March 31, 1946. Balance.....	1,039 25	
	<u>\$ 11,977 53</u>	<u>\$ 11,977 53</u>

SPECIAL JOINT COMMITTEE

INDIAN TRUST FUND 1943-44

\$15,027,771.56

Balance at credit of Fund A/C, April 1, 1943.....

Receipts.

Interest for year on above balance: 6 per cent on \$1,074,293.72; 5 per cent on \$13,929,792.24.....	\$ 760,947.24
Grant from Dominion Government: Robinson Treaty Annuities, Account No. 26	7,500.00
Grants from New England Company: Mohawk Institute, \$4,430.00; Lytton Residential School, \$4,430.00..	8,860.00
Collections during year—	
Rentals and Royalties	249,615.75
Land Sales and Registration Fees	215,215.57
Timber rentals, licences and dues.....	158,419.22
Sale of Handicraft products	23,787.56
Liquor fines, \$17,332.94; trespass fines, \$486.50.....	17,819.44
Province of Ontario road subsidies	13,688.88
Gravel dues and royalties on stone.....	8,928.12
Compensation for improvements	7,048.33
Settlements re flooding: Lac Seul \$50,263.00; Wahpaton \$3,100.00; Ochapowace \$170.00.....	53,533.00
Sundry refunds of advances.....	5,569.55
Proceeds from Community farms.....	26,602.29
Agricultural Aids: Seed, feed, etc.....	36,570.84
Sale of livestock \$2,417.09; grain \$3,500.00; and proceeds from ranches \$11,894.93.....	17,812.02
Proceeds from bonds and sale of muskrat pelts.....	39,465.72
Repayment of Band loans	24,658.27
Miscellaneous receipts	24,729.13
Soldier Settlement of Canada: Grant from S.S. Board \$2,600.00; repayments by Soldier Settlers \$7,175.93	9,775.93
Deposits to Savings Account No. 201.....	84,940.03
Transfers between Band Accounts, contra.....	53,962.45

\$1,849,449.34

INDIAN TRUST FUND 1943-44

Disbursements

Salaries and wages.....	\$ 48,974.00
Blackfoot Hospital, including salaries.....	26,154.05
Building materials and repairs.....	41,189.23
Enfranchisements and Commutations.....	24,006.73
Farming operations	50,358.83
Farming equipment, machinery and repairs.....	13,029.40
Livestock purchases	8,028.25
Fencing	3,431.87
Medical attendance and hospital care	3,043.19
Operation and promotion of handicraft.....	21,108.85
Prevention of liquor traffic, including constables' salaries	8,616.66
Relief supplies	174,327.24
Repairs to roads, bridges, etc.	34,158.29
Timber protection	5,528.50
Purchase of land for Bands.....	964.35
Water, light, power and telephone.....	519.81
Wells \$302.59; Insurance premiums \$174.47.....	477.06
Funeral accounts	9,733.41
Fishing operation, licences, etc.....	2,566.31
Miscellaneous	16,015.18
Distribution to Indians: Interest moneys \$311,226.82; rentals \$68,988.03; land sale receipts \$7,783.32; timber receipts \$15,456.02; muskrats \$36,148.73....	439,602.92
Loans to Indians	12,367.51
Soldier Settlement of Canada: New loans \$432.33; Salaries \$1,800.00; Repayments of loans collected \$7,175.93; Balance of advance \$367.67 to Soldier Settlement Board	9,775.93
Grants for maintenance: Mohawk Institute \$3,000.00; Lytton Residential School \$4,725.00	7,725.00
Withdrawals by Indians from Savings.....	68,051.49
Deposits etc. returned: Land sales \$213.75; Timber \$105.00	318.75
Transfers between Band Accounts, contra.....	53,962.45

\$1,084,035.26

Excess of Receipts over Disbursements

765,414.08

Balance at credit of Fund a/cs, March 31, 1944.....

\$15,793,185.64

*Mr. Do
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*... Indian Act, special
... 1946*
(SESSION 1946)



(SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

THURSDAY, JULY 11, 1946

WITNESS:

Mr. A. G. Leslie, of Reserves and Trusts Service, Indian Affairs Branch,
Department of Mines and Resources, Ottawa

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

A large, faint red circular stamp is visible in the lower right corner of the page, partially overlapping the printer's name and the year.

MINUTES OF PROCEEDINGS

THE SENATE,

THURSDAY, 11th July, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 11.00 o'clock a.m. The Joint Chairmen: The Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P., presided.

Present:

The Senate: The Honourable Senator J. F. Johnston.

The House of Commons: The Honourable Mr. Stirling and Messrs. Blackmore, Brown, Bryce, Case, Castleden, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (*Brandon*), Reid Richard (*Gloucester*)—14.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford Pratt; R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; L. Brown and A. G. Leslie, Reserves and Trusts Service, Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Counsel for the Committee and Liaison Officer.

The Chairman (Mr. Brown, M.P.) on a question of privilege, produced and read excerpts from two newspapers which referred to the proceedings of this Committee on Tuesday, 9th July last.

On motion of the Honourable Mr. Stirling, it was

Agreed: That the Joint Chairman (Mr. Brown) will bring up the same question of privilege in the House of Commons this afternoon. (See Appendix N).

Mr. A. G. Leslie, of Reserves and Trusts Service, Indian Affairs Branch, Ottawa, was re-called and questioned.

The Committee adjourned at 1.00 o'clock p.m., to meet again on Tuesday, July 16th next at 11.00 o'clock a.m.

T. L. McEVOY,

Clerk of the Joint Committee.



MINUTES OF EVIDENCE

THE SENATE,

July 11, 1946.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 11 o'clock a.m. Mr. D. F. Brown, M.P., (Joint Chairman) presided.

The CHAIRMAN: Gentlemen, let us come to order. First of all I want to speak on a question of privilege. The *Toronto Star* of July 10 carries an article under the heading, "Defeat move to let Indians give opinions." That is dated at Ottawa July 9 and carried by the Canadian Press. The Owen Sound *Daily Sun-Times* carries an article under date of July 9, a Canadian Press story, under this heading, "Refuse to name Indian members to Commons body."

Now, I think you will all agree with me that those headings do not bear out the facts as those facts have been brought before this committee, and they are not in conformity with the minutes of our meetings. I think that the members of this committee—I do not care to what political party they belong—have been honestly and sincerely trying to do a job of assisting the Indians of Canada to raise their standard of living, and to heal the hurt which they have suffered. When I accepted the chairmanship of this committee I asked that we as members of this committee forget our political affiliations, and I must say that the members of this committee to a very large extent have complied with that request.

Now, these two headings, as I have said, do not bear out the actual proceedings of this committee as the verbatim reports will reveal, and I think it is a disservice to the members of this committee, to the House of Commons and to the people of Canada generally—

Hon. Mr. JOHNSTON: And not forgetting the Senate.

The CHAIRMAN: Pardon me, I forgot; the Senate should come first. I think it is not being honest, and is not doing a service to the Senate, the House of Commons and the members of this committee or to the people of Canada generally to try to spread such alleged facts when they are not true.

Hon. Mr. JOHNSTON: And a disservice to the Indians.

The CHAIRMAN: And, as I am reminded, it is certainly a disservice to the Indians of Canada.

Mr. CASE: And it certainly does the committee a great deal of harm.

The CHAIRMAN: Now, with regard to the articles in question, these two newspapers—there may be other newspapers not yet on file here which have carried his story—do not give the affirmative side of what happened; they quote only partially what was said by two members of this committee. Now, it is my humble opinion that any member of this committee or of any other committee of the Senate and the House of Commons who for political purposes or political reasons is trying to pit one class against another or to create unrest among any class of persons in Canada is not being honest with himself, he is not being fair to the Senate or the House of Commons, and is a traitor to his country.

Mr. MacNICOL: What are the articles, Mr. Chairman? I have not read them.

The CHAIRMAN: One article is in the *Toronto Star*.

Mr. BRYCE: Is it a long article?

The CHAIRMAN: It is not very long. I will read it.

Hon. Mr. JOHNSTON: It is based on a Canadian Press report.

Mr. CASE: It goes to most papers in Canada.

The CHAIRMAN: Yes, it goes throughout Canada. The article in the *Toronto Star* reads:—

DEFEAT MOVE TO LET INDIANS GIVE OPINION

Ottawa, July 9—(CP)—A resolution by G. H. Castleden (C.C.F., Yorkton) that five Indians be appointed immediately to serve on the committee with watching briefs was defeated to-day after a stormy discussion at the parliamentary committee on Indian affairs.

Mr. Castleden said: "We don't get a proper picture of the Indian problem unless we have Indians here to listen to the departmental evidence and then give us their opinion of it. The Indian hasn't been given a square deal. Here is an opportunity to give him British justice."

William Bryce (C.C.F., Selkirk) said that, since the Indian Act was going to be amended to improve the conditions of the Indian, "surely he has a right to sit in on this committee."

"I've seen blind Indians starving in this country and they never should have been," he said. "If you want the Indians to have faith . . . you've got to bring them here so they can hear what is being said."

The article in the *Owen Sound Daily Sun-Times* is as follows:—

REFUSE TO NAME INDIAN MEMBERS TO COMMONS BODY

Ottawa, July 9—(CP)—A resolution by G. H. Castleden (C.C.F., Yorkton), that five Indians be appointed immediately to serve on the committee with watching briefs, to-day was defeated after a stormy discussion at the parliamentary committee on Indian affairs.

In presenting the resolution Mr. Castleden said: We don't get a proper picture of the Indian problem unless we have Indians here to listen to the departmental evidence and then give us their opinion of it. The Indian hasn't been given a square deal; here is an opportunity to give him British justice.

Mr. MATTHEWS: Mr. Chairman, I cannot recall anything in the nature of a "stormy" discussion at that meeting. I think the storm existed in the imagination of the correspondent rather than here. I heard everything that was spoken and there was nothing in the nature of a stormy discussion; I think somebody has laid himself open to very severe censure. If that is the kind of report which is going to emanate from this committee, half truths, then I think we had better know it and decide what is going to be done about it.

Mr. MACNICOL: All I can say is that as far as you, sir, and Senator Johnston as joint chairmen of this committee are concerned, you have both been eminently fair. At no time have you made any attempt to do anything other than bring out the utmost information available, and as far as I have been able to see the committee as a whole has been imbued with a sincere desire and wish that what will come out of this committee will be for the benefit not only of the Indians but for all of Canada. We are all of that opinion. The worst part about a record like this is that the Indians themselves will get a wrong impression of what the hopes of the members of this committee are. I fear that if they read such accounts as these you have read they will get a very wrong impression. I do not think any one member of this committee is any more sincere or earnest than any other member in the objective that we all have before us. I thought so at the last meeting. I hope nothing was taken from what I said that would cause a report such as this to the effect that an Indian had said to me at the

previous meeting that the impression was getting abroad that Mr. Castleden was the only one fighting the Indians' battle. I have no comment to make on Mr. Castleden's attitude. I admit the fact that he is as sincere as I am. I think he would be the first one, if he were here, to resent that impression going out. The committee did not vote against his proposal, they were voting against bringing in now, at a time when we are listening to—and I think quite rightly; I think whoever organized the program of the committee did it well—the departmental side of this whole question. We have that on record, and we will have an opportunity to study it carefully later on when we have the Indian agents in and we will get their side of the story of the administration from Ottawa. Later on, I presume, we will have the Indian chiefs before us, or men like Brigadier General Martin and perhaps Edwin Tappan Adney of New Brunswick who is a great student of Indian affairs. I am hopeful, as I am sure everybody else is, that what we want to know is how we can improve the lot of the Indian. I am sorry to see an account like that appear in the newspapers.

The CHAIRMAN: I think in fairness to the Canadian Press reporters at our meetings I should say that it is not their desire to misreport our proceedings, but I feel it is the fault of someone in the newspaper who uses only that particular part which he wants to print. I think the reporter here gives a fairly full account, but the trouble would lie with the local editorial or news writers.

Hon. Mr. STIRLING: Do you suggest that perhaps other papers than these two carried that portion of the story?

The CHAIRMAN: I have no knowledge as to that, but I do think the reporters who were present at our meeting gave us a full account, but the persons who disseminate the news locally probably picked out what they thought was news. In my opinion, they took a negative attitude—taking that which did not happen or shall I say part of which did not happen, and not giving the affirmative side which was the thing which did happen, and which was actually carried in the C.P. story. (See Appendix M)

Mr. CASE: It is very significant these two reports vary only in the headlines and so it would seem, as you say, that the local news editor has selected a portion and that the papers have arranged their own headings.

The CHAIRMAN: That is right; it is not a matter of reporters.

Mr. CASE: The *Toronto Daily Star* and the Owen Sound paper have printed the same substance; the difference is in the heading, but both are under Canadian Press headline.

Hon. Mr. STIRLING: I suggest, Mr. Chairman, that you consider raising this question to-day in the House. It is a sufficiently serious matter to receive as much attention as possible because I think it is a most damaging story to be spread across Canada. Those who understand what we have been doing in this committee realize that our plan has been to take our work in a certain order and that order calls for hearing expressions of opinion from government officials first and later on listening to communications which the Indians themselves desire to place before us. This story gives a completely wrong conception of the plan of our work.

Mr. BLACKMORE: It seems regrettable that there is omitted any reference to certain sessions of the committee such as the session at which we gave a full lay to Mr. Paull and another prominent Indian. The committee room that day was full of Indians who, apparently, were well satisfied with their reception.

The CHAIRMAN: I would like to call your attention to the fact, Mr. Blackmore, that we did hear a representative of practically the largest democratically organized Indian group in Canada, from British Columbia, the Rev. Mr. Kelly, who recommended that we should not have Indian representation at this time.

Mr. BLACKMORE: What I regret deeply is the fact that a balancing was not achieved in the newspaper report, and I think the reporters should be advised that they are handling dynamite if they ever send out a report of this sort and that they have the responsibility to see that the proceedings of this committee are accurately reported, not only in respect to detail but in respect of the spirit, and the general truth appertaining to the conduct of this committee.

The CHAIRMAN: I am not a newspaper man, but my understanding is that there should not be criticism of the reporters who took the notes of that meeting; I think probably they have done an excellent job; and apparently they have taken some parts of our proceedings verbatim. Therefore, I do not think they can be criticized, but I do think offending newspapers should be.

Mr. MacNICOL: I support the suggestion of Mr. Stirling that to-day before the orders of the day are called you, Mr. Chairman, should, in your own capable way, point out to the Commons and to the country that the committee is doing what it believes to be its best, that it is following along a regular course and that these reports do not represent the attitude of the committee.*

Mr. CASE: I would be in favour of Mr. Stirling's suggestion that you raise the matter on the floor of the House to-day so that the people will know what is happening and that the Indians will have an opportunity to learn the attitude of this committee which is doing all it can for those concerned. We have only one objective and that is to raise the general standards of Canadian Indians so as to benefit them and, as Mr. MacNicol said, benefit the people of Canada as a whole.

Mr. BRYCE: May I say something, although I do not know what to say—

The CHAIRMAN: I do not know what you can say either; I feel sorry for you.

Mr. BRYCE: I feel annoyed at the whole thing, but I think you, Mr. Chairman, would have shown better judgment if you had waited until Mr. Castleden is here. I do not know why he is not here, but I do know he is coming. You should have raised your point of privilege when he was here. I think it would have been much better to have done that.

The CHAIRMAN: Right on that point—

Mr. BRYCE: Let me have my say. I have waited patiently. My name is in the reports too. This is the first time I knew that my name was in these articles. I did not know until Mr. Case told me this morning. However, I had never thought that I would live long enough in Canada to have somebody tell me that I had been treacherous to Canada.

The CHAIRMAN: Now, now—

Mr. BRYCE: You finish up your sentence with the statement that anybody who associated himself with that was a traitor.

The CHAIRMAN: No, I did not. I said that anybody who seeks to pit one class against another or seeks to create for political preference, unrest among any class of persons in Canada is not being honest with himself. He is not being—I do not know the exact words I used—he is not being fair to the House and is a traitor to Canada. I did not say that applied to you in the least.

Mr. BRYCE: If you threw the cap out to fit me, that did not fit me.

The CHAIRMAN: I did not intend it to fit you.

Mr. BRYCE: I hope you did not, because I could never wear that cap.

Mr. MATTHEWS: I do not think anybody sitting around this table would think that.

*See Hansard, page 3389, and Appendix N.

Mr. BRYCE: I could never wear that cap. As long as I am on this committee I will never let anyone deprive me of my right of saying what I think is right. While we are on this point of privilege and since you have raised this question, may I say that when we were in the subcommittee we took a vote and everybody voted for throwing the motion out but me. You appealed to me to make it unanimous. You did not like to go back without a unanimous decision from the subcommittee. I said then that I would be agreeable to make the thing unanimous if we would let the main committee decide the matter, and the matter was brought back to the main committee. Now, I have had it thrown up to me that I betrayed the confidence of the subcommittee, that I worked against it, that I said one thing in the subcommittee and voted against it in the main committee. Now, I know that you, Mr. Chairman—I do not know which presided, whether it was you or Senator Johnston, the other joint chairman—know the position I took. I never changed my vote. I still have the same opinion. I think in fairness to me that you gentlemen will agree to that now. You will agree that that is what happened. I was going to let the whole matter go, but now the matter has been brought up and members of the House have said that I changed my mind. You, Mr. Chairman, will agree that I have never changed my mind; that I brought in a resolution or a motion to the effect that we leave it to the main committee to decide this matter, that that was the best way out; and we made it unanimous because the other members of the steering committee agreed to that course.

The CHAIRMAN: What I said, Mr. Bryce, was that I felt honestly sorry for you. I felt that you were having to do things in the subcommittee that were not just to your own liking. We have tried to find some feasible solution. I do not like threshing old straw, but we were unanimous in finding one solution; we were unanimous in not approving of this one suggestion that was made. I think that is an honest and fair account of what happened. I remember very distinctly that you disagreed and I said that we in the subcommittee should be unanimous and that if we could not be unanimous we should let the matter stand over until we were unanimous; and then we came to a unanimous decision.

Mr. BRYCE: That we leave the decision to the main committee. I am glad that that is cleared up now, because the idea got around that I said one thing in the subcommittee and another thing here in the main committee.

The CHAIRMAN: I regret that very much, and I hereby apologize and I apologize to any member if he has taken unto himself the facts which I have set forth. They are not intended for you Mr. Bryce specifically or generally. But I do say that if any member of this committee wants to adopt that attitude and take to himself the words that have been spoken — —

Mr. BRYCE: I do not think there is anybody in the committee — —

Mr. MATTHEWS: Let us get on.

The CHAIRMAN: Is there any further comment? If not, let us proceed with the hearing of Mr. Leslie. Before we do so let me refer to the fact that I have brought this matter up while Mr. Castleden is not present. I have no idea if Mr. Castleden is going to be present; I do not know when any member is going to be present. My understanding of my duty is that if something is printed which is not true it should be corrected at once, and I do not think there has been an earlier opportunity than the present moment to do this.

Mr. BLACKMORE: Hear, hear.

The CHAIRMAN: If we waited until every member of the committee was present we might never have an opportunity.

Mr. BRYCE: I expect Mr. Castleden will be here this morning.

Mr. FARQUHAR: I cannot see why we should have Mr. Castleden here. I do not think he is responsible in any way for the report that has appeared.

The CHAIRMAN: I think you will realize that we waited not only until we had a quorum but for fifteen minutes after our starting time.

Mr. BRYCE: What Mr. Farquhar says is very true. Nobody has been mentioned. It might have been anybody; it might have been someone else altogether, and we could not help it appearing in the press. If you raise the matter in the House today it will appear in the press all over again.

Mr. MACNICOL: I agree with what Mr. Bryce says, but this has already appeared in the press, and the longer we wait in following it up the more trouble there may be. I do not believe that we have a moment to waste. If we take the matter up in the House to-day it will be in the newspapers to-night or to-morrow. I feel that such statements are bad for the Indians in all parts of Canada who come to hear such statements. They will feel downcast, whereas we want them to feel that we are going to do for them the very best we can.

Mr. BLACKMORE: I think you, Mr. Chairman, are to be commended on the fact that you did not deny this statement before the committee met this morning, because that is something which you, as chairman of the committee, would have been quite justified in doing.

The CHAIRMAN: This is the first opportunity I have had, and this whole matter is subject to your comment and decision.

Hon. Mr. STIRLING: It seems to me that it is not our duty to tap any individual on the shoulder and say to him, "You are the sinner"; it is our duty to point out that the report which appeared in two newspapers, and which is identical in both papers, is wrong, and we want to put the matter right.

Mr. HARKNESS: I feel that such a report will undoubtedly do a considerable amount of damage and will shake the faith of the Indians and the people across Canada who are interested in the welfare of the Indians and in the work of this committee; and the sooner something is sent out through the press correcting that impression the better. The sooner we deny what appeared in those articles the better it will be for Canada and for the Indians at large. I favour Mr. Stirling's suggestion that the matter be taken up in the House this afternoon and that a request be made to the press to publicize the correct picture.

The CHAIRMAN: If there is no further comment we will proceed with the hearing of Mr. Leslie.

Mr. A. G. Leslie, Reserves and Trust Service, Department of Indian Affairs, recalled:

By Mr. MacNicol:

Q. In connection with the statement concerning the Blackfoot band—and these questions will apply to any other bands—my first question is in regard to your reply at our last meeting, namely, that there is a hospital at Gleichen on the Blackfoot reservation operated by the Blackfoot band. Do I understand that Blackfoot band moneys finance the operation of that hospital?—A. Correct.

Q. When the estimates of the Department of Indian Affairs come into the House—whether under the Mines and Resources branch or under the Health and Welfare branch—nothing will appear in those estimates pertaining to the expense of keeping up the Blackfoot hospital?—A. No.

Q. Is there any other band of Indians operating and financing their own hospital?—A. The Six Nations.

Q. At Ohsweken?—A. Yes, they do.

INDIAN ACT

Q. The Indians at Muncie? There may not be enough of them; but when I was there a strong impression was made on me that they should have a small hospital like the one at Ohsweken; is that possible?—A. That would have to be submitted to the proper officials of the Health and Welfare Department.

Q. What they said was that the Indians are peculiar in not wanting to send away any particular members of their families from home, and there have been a lot of distress and unnecessary expense because of their objection to sending their dear ones to hospitals far away. If there were a hospital in the Indian reservation that would be very beneficial to the health of the Indians and to their welfare. I want to ask you if the department has in view this type of hospital on other large Indian reservations— hospitals similar to the one at Ohsweken on the Six Nations reserve and the one at Gleichen on the Blackfoot reserve?—A. So far as I am aware there are two reasons I can think of which would make that difficult. The first one is that the band you mention—

Q. The Blackfoot?—A. No.

Q. The Six Nations or the Muncie?—A. The Muncie. Their funds are insufficient to provide for that size of expenditure; the second reason is that the Department of Health and Welfare officials feel that ownership of the hospital by the department makes for more efficient administration. The Indians, if they have an interest in the hospital, have a right to a certain voice in its operation or in regard to its administration, and that is not always to the best advantage of the patients.

Q. Now, one final question: Does the department make a special effort in such a hospital as the one on the Blackfoot reserve to induce young Indian girls to learn to be nurses; and if so, after they become nurses, does the department make an effort to give them remunerative employment as nurses?—A. I can say there are instances where the Department of Health and Welfare have encouraged the employment of Indian girls as nurses' aides with a view to having them go on, even with government assistance, and complete their course leading to registered nurse; but in one instance I have in mind the Indian girl concerned was definitely not interested. As to their over-all policy in that regard I am unable to say.

Q. I leave that thought with you. A lot of white girls are not interested in being nurses either. Through my travels I have often thought to myself that it would be only fair, when Indians are hospitalized, that at least the odd nurse should be an Indian girl. Surely a percentage of Indian girls would be worth while, they would not have to be nurses. It is natural for a girl to desire to be a nurse. I think I would recommend to the department that a real effort be made to train Indian girls to be nurses. They have to come up through the various branches you outline, but when they are trained there should be provided for them an opportunity in a hospital, in a government hospital—not necessarily in an Indian hospital—in a white hospital.

By Mr. Blackmore:

Q. Could the witness tell the committee who owns the hospital on the Blood Indian reserve at Cardston, Alberta?—A. That is a question that could be answered only by the Department of Health and Welfare officials. As far as I am aware it is owned by them, not by the Indians.

Q. I was wondering if you were in a position to give any facts appertaining to the government policy. There is a hospital there which I think one would be safe in saying is exceedingly good. It is at Cardston on the Indian reserve.

Mr. MacNICOL: Is it on the reserve?

Mr. BLACKMORE: That is right; it is on the reserve. I am wondering whether or not the department contributed to the cost of building and equipping that hospital and whether the department contributes to the maintenance of it or whether it does not; and whether the department built the hospital and contributes to the maintenance of it while the Blackfoot Indians are left to support their hospital from band funds? It would seem to me that would require to be looked into. Otherwise, to a certain extent some bands are being called upon to make greater sacrifices than others for the same service. The question which obviously comes to you and to every member of the committee would be this; by reason of possession of a large band fund they are in a preferred position with respect to maintaining hospital and medical services of their own while other Indians in a less fortunate financial position might be deprived of them. Obviously there is a condition there which is going to bear unfavourably on other Indians in Canada.

Mr. LESLIE: As I said before, I think this whole question would properly be dealt with by the officials in charge of hospitals. I might say, however, that the Blackfoot band are so wealthy that that is the main consideration so far in having them support their own hospital. They have expressed a willingness to do so and their funds are increasing to a point where sometimes we wonder what to do with the money without demoralizing the Indians by handing it out to them. That is all the comment I would like to make about the Blackfoot hospital.

Now, as to the Six Nations hospital, the reason for that being financed from the band fund was that the Indians there had a doctor, who is exceedingly well liked by the Indians, at any rate, and in order to encourage him to stay there they put forth the suggestion that they build him a hospital and a residence and provide him with all the necessary facilities at the cost of their band fund.

Mr. BLACKMORE: I am not sure that Mr. Leslie is the right witness for us to question on this matter.

The WITNESS: No!

Mr. BLACKMORE: Then we will defer questions on hospitalization.

The WITNESS: Before we go on to the points left over from the last day, I would like to dispose of this question which has been raised in respect to the Mohawk Institute. That question will be dealt with by the schools branch, but in the meantime I would like to say this:

The CHAIRMAN: Pardon me, could we just remind the members that we are now on the question of Indian trust fund receipts, about seven lines down on the second last page, and on the last page near the bottom: grants for maintenance, Indian trust funds, 1943-1944. That is on the last page of this material given to you. You will see the Mohawk Institute \$3,000, and the Lytton Residential School, \$4,725, etc. (Appendix L.)

The WITNESS: You will notice the amount from the New England Company. The New England Company has made annual contributions to the administration of certain schools under the Indian Affairs Branch, the sums are indicated in that statement there, \$4,430 for the Mohawk Institute and the same amount for the Lytton Residential School. Those are turned over to the school administration to use as they determine to be in the best interest of those schools.

By Mr. Castleden:

Q. To the department or to the school administration; those in charge of the administration of the schools, not the department?—A. That is correct, those in charge of the administration of the school; that is the department. Then the department officials from time to time advance sums to those schools to be used at the school principal's request, or as the officials in charge of the schools in that branch determine to be a proper use of the funds. That explains the differences between the expenditures there.

Mr. LICKERS: Has all the money which has been sent by this New England Company been used up? Has it been applied to capital expenditures or operating expense?

Mr. HOEY: It is usually operating expense. The Mohawk School is owned by the New England Company and leased to the department so it does not matter much if that goes, the way we see it, on maintenance or operating cost. For a number of years they have been expending \$5,000, and exchange makes the difference, for the upkeep of the Mohawk Institute and \$5,000 for the upkeep of Lytton.

Mr. HARKNESS: What is this New England Company?

Mr. HOEY: I understand it is the oldest missionary society in England. They established two of the first missions on the Six Nations Reserve about a century and a quarter ago.

Mr. BRYCE: They have never withdrawn?

Mr. HOEY: No, they have never withdrawn, they are still interested in it.

Mr. CASTLEDEN: How did they obtain it, was it originally part of the reserve?

Mr. HOEY: Mr. Lickers might answer that more correctly than I, but I fancy it was. In any event, they have title to the building and to the land.

Mr. CASTLEDEN: How did they obtain title to that?

Mr. HOEY: I would say by surrender a century or so ago from the Indians of a part of the reserve.

Mr. CASTLEDEN: Are there documents there showing the surrender of that property?

Mr. HOEY: If a surrender was made the documents would be on file.

Mr. CASTLEDEN: I wonder if you can find out whether or not the surrender was made?

Mr. HOEY: That should not be difficult, we can secure that.

Mr. CASTLEDEN: We haven't got any representative of the Six Nations here so perhaps Mr. Lickers could enlighten me on this matter; in the information that was given to us, we were given to understand that the Indians had never surrendered that; and, of course, if they never surrendered it they would still have title to it.

Mr. HOEY: The whole thing is a quite complicated affair, the Mohawk Institute and building and the land actually adjoining are the property of the New England Company, while the Mohawk Institute Farm is the property of the Indians, but by the consent of the Indians it is operated in connection with the Mohawk Institute. It is a quite substantial farm of I don't know how many acres.

Mr. LICKERS: Two hundred.

Mr. HOEY: Yes, two hundred acres of very, very valuable land. The Indians have always consented to have the New England Company operate it. There you have the Mohawk Institute owned by the New England Company and the farm owned by the Indians, and the church operating the school, and the operation partly financed by the department. If you can get anything more complicated than that, I would like to know what it is.

Mr. CASTLEDEN: That does not clear up my point.

Mr. HOEY: Undoubtedly there was a surrender. We will look that up for you.

The CHAIRMAN: Mr. Castleden, what do you mean by "we have been given to understand"; do you mean this committee has been given to understand?

Mr. CASTLEDEN: No, I have been given to understand.

The CHAIRMAN: By whom?

Mr. CASTLEDEN: By some Indians from the Six Nations Reserve. They complained to me that there had been that property and now they would like to have the matter cleared up.

Mr. BLACKMORE: Did they state that they had never surrendered the land on which the institute stands?

Mr. CASTLEDEN: Yes, a considerable portion of the land at the present time held by the New England Company.

Mr. BLACKMORE: All of this land that is being used by the institute; is that it?

Mr. MACNICOL: I understand the surrender was applicable only to the land immediately around the institute. They probably paid rent. Possibly Mr. Lickers could tell us how it stands. I understand that the Six Nations Indians own the property, the farm around the Mohawk Institute, but that they took over and paid rent.

Mr. HOEY: They do not pay rent.

Mr. LICKERS: As to the property in connection with the Mohawk Institute itself they would pay rent, but there is another piece there of about one hundred acres also used by the Institute with respect to which there has been a certain amount of dispute. I understand that at the present time that is leased to the government for the purposes of the institute.

Mr. MACNICOL: But the land is cultivated for the use of the school, it is all used for the education of Indian children?

Mr. LICKERS: Yes.

Hon. Mr. STIRLING: And the proceeds from the farm go to help pay for the operation of the school?

Mr. LICKERS: That is right.

Mr. CASE: Can you give us a little more information about this New England Company?

Mr. HOEY: The grants for a number of years have been quite substantial. They are not made to a church. It is a very old missionary society, one which does not operate outside of the British Empire, or the British Commonwealth of Nations. Following the revolutionary war in the United States, they had very widespread activities there, and after that war they came over to Canada, of course they followed the Six Nations over probably. Just recently their provision has changed. Before this last war they held very heavy investments of one kind or another in London and during the war they sustained very severe losses in the "blitz". They held very valuable properties in certain sections of London. On account of their losses they have withdrawn their grants to the Mohawk Institute, and I am not sure just what the future of that institute is likely to be. They are sending a representative of their society over here to interview us, but it has not been possible owing to transportation difficulties for their representative to come here as yet; but they have raised no question with respect of Lytton. Speaking personally, there were times throughout the war when I had superintendence of the welfare and training branch but did not accept these gifts with any enthusiasm. I thought it hardly appropriate for the people of Canada to accept gifts for the education of Indians from a society which I thought in the past had done all that I think could reasonably be expected of them; I thought the time had come that the people of Canada should recognize their own responsibilities with respect to the education of Indians.

Hon. Mr. STIRLING: What about Lytton?

Mr. HOEY: In the case of Lytton the grant still comes, but as regards the Mohawk Institute the grant ceased about a year ago.

Mr. HARKNESS: Was that grant sufficient to maintain the institute?

Mr. HOEY: Oh, no.

Mr. CASTLEDEN: It was a missionary board, wasn't it?

Mr. HOEY: It was really a missionary organization. The question of our willingness or unwillingness seemed never to have been raised; they just took an interest in the Indians.

Mr. CASE: And you are recommending to the department that they be relieved of that burden?

Mr. HOEY: They are now, with respect to the Mohawk Institute.

Mr. MACNICOL: Do they still maintain that little church on the reserve?

Mr. HOEY: Yes, that is the oldest protestant church in Ontario.

Mr. MACNICOL: Oh yes, I have been there.

Mr. LICKERS: That was not built by the New England Company.

Mr. HOEY: No, but they maintain it; at least, I think they do.

Mr. CASTLEDEN: I wonder why it was surrendered to them originally?

Mr. HOEY: I cannot answer that offhand.

Mr. CASTLEDEN: Have you any idea how much land they have now to which they hold title?

Mr. HOEY: It is a fairly small acreage.

Mr. LICKERS: About five acres, I think.

Mr. CASTLEDEN: Is that the amount of the original surrender?

Mr. HOEY: I should think so, I do not know though.

Mr. CASTLEDEN: Do you know what the amount of the original surrender was?

Mr. MACNICOL: Mr. Hoey, you might explain to Mr. Castleden something about the background so that he will be able to get the real picture as to how the Six Nations Indians came there.

Mr. CASTLEDEN: I know how they came there.

Mr. BRYCE: Have the United States anything to do with the Six Nations?

Mr. MACNICHOL: You will recall that the British government gave them a grant running for six miles in from the river.

Mr. CASTLEDEN: Yes, that was under the Haldimand Treaty.

Mr. BRYCE: Who nominates the teachers for the institute?

Mr. HOEY: The principal of the school has always been nominated by the (Anglican) Archbishop of Huron; that is, in their lease they specify that the principal should be acceptable to the Anglican bishop in charge of the diocese, and he always has been. But in view of the withdrawal of their grant of \$5,000 a year and the desirability of working out of a new lease an Anglican clergyman has been placed directly in charge, but he was nominated by the Archbishop of Huron. Final settlement will not be made until we have an opportunity of discussing the whole matter more fully with the representative of the missionary society, the society which owns the building.

Mr. LICKERS: The principal there at the present time is only a temporary appointment?

Mr. HOEY: Yes.

Hon. Mr. STIRLING: What happens to the difference between the receipts of the Mohawk Institute and the disbursements. If I am right in following these totals the one is \$8,800 and the other is \$7,700.

The WITNESS: Any amount left over would be used in the ensuing fiscal year.

Mr. LICKERS: Might I ask a further question, Mr. Chairman?

Mr. CASTLEDEN: I was just wondering if I might ask another question myself with respect to the manner in which this Six Nations reserve fund was built up.

By Mr. Castleden:

Q. Could you give us an outline of how that fund was built up, how much has been made by the surrender of property to different people; to what organizations land has been surrendered; and then, if there is any, what amount is still owing on this particular account?—A. I can tell you, Mr. Castleden, that at Confederation the balance to their credit was \$798,288.98. How that accrued in the capital account could be best explained by Mr. Brown. As a matter of fact, it is some \$90,000 less to-day than it was at Confederation, which means that capital expenditures of various natures have reduced it.

Q. So there must have been some receipts, because land has been surrendered since then?—A. That will all be dealt with by Mr. Brown; the land surrenders, etc.

Q. I was wondering how the sum itself happens to be depleted?—A. I am concerned only with the money after it gets into the account, as far as I am personally concerned. Mr. Brown will be able to tell you just how it got there much better than I.

Mr. LICKERS: I was just going over the figures there in connection with the years before 1859—money belonging to the Indians invested in municipal and commercial securities. Were there any losses since that time as the result of those investments?

The WITNESS: I can answer that only in a general way. The only case of which I know where there was a loss was in the Six Nations Grand River navigation project.

Mr. LICKERS: Were those investments made by the Indians or by the government?

The WITNESS: They were made by the province of Upper Canada, as far as I know.

Mr. MACNICOL: What right did they have to invest the money of the Six Nations Indians?

The WITNESS: Because previous to Confederation the province of Upper Canada played the same role that is now played by the Dominion of Canada with some changes which have been made since then.

Mr. MACNICOL: That investment to which you refer, Mr. Lickers, does that relate to the canal from the mouth of the Grand River over to the east?

Mr. LICKERS: Yes, that would be the one.

The WITNESS: I do not know, I know that was one of the projects referred to, and it has been picked out as one instance where there was a loss to the Indian trust fund. It was one of the main reasons why the Dominion of Canada assumed responsibility, so that such losses would not recur. That is covered in my submission of the other day.

Mr. LICKERS: There is a lawsuit over that account at the present time—is there not?

The WITNESS: I understand it is a very contentious question.

Mr. LICKERS: Has it reached the courts yet?

Mr. HOEY: I do not think so, it is pending.

By Mr. MacNicol:

Q. The Six Nations Indians at that time likely gave their consent to an investment of that kind because of the fact that it was a development in the Six Nations area.—A. As to that, I am not informed.

Q. They should not be allowed to lose anything out of the funds because of that. They would not know enough about that kind of work really to permit of their approving such an investment. Anyone who knew anything about a project of that kind would never have recommended the investment of Indian funds for the purpose.—A. I believe that is one of the subjects under discussion. It will probably have to be settled in court.

By Mr. Reid:

Q. I would like to ask one or two questions with respect to the statements which have been presented to each member of the committee. I notice that it only covers the period up to the end of 1944 in dealing in detail with the trust fund. Why could we not have a more up-to-date statement in the same detailed form? That is my first question.—A. Yes. The detailed statement to which you refer was a concession to us by the chief treasury officer. He knew that it would be helpful to us and he supplied it by providing work or one man for about four months, and it was possible only because this man in the treasury office was without other work to do. The best they can give us since that date is the sort of statement you have in front of you and what appears as the report of the Auditor General; and that, I suggest, is a very inadequate statement for the purpose of examining into the transactions under the Act. I have before me a statement for the fiscal year 1944-1945 which will appear in the report of the Auditor General when it is printed. The reason I gave you that more detailed one for 1944 was so you would have an idea as to what the various items of expenditures were. I will run over some of the main items for your information, if you wish me to.

Q. What are you reading from there now?—A. From the 1944-45 report of the Auditor General.

INDIAN TRUST FUND

A statement of receipts and disbursements in capital and revenue account as follows:—

CAPITAL ACCOUNT

Balance in capital March 31, 1944.....		\$12,742,657 44
Receipts—		
Land sales, principal.....	\$260,394 49	
Timber dues, royalties, etc.	118,560 99	
Loan repayments	16,704 36	
Miscellaneous.....	14,653 00	
		410,312 84
Total.....		\$13,152,970 28
Disbursements—		
Cash distribution of timber dues.....	\$ 31,485 20	
Enfranchisements.....	22,020 89	
Loans.....	12,593 20	
Construction.....	8,073 01	
Timber fire protection.....	6,275 53	
Miscellaneous.....	10,810 61	
		91,258 44
Balance in capital March 31, 1945.....		\$13,061,711 84

SPECIAL JOINT COMMITTEE

INDIAN TRUST FUND—*Concluded*

REVENUE ACCOUNT

Balance in revenue March 31, 1944.....		\$ 3,050,527 03
Receipts—		
Interest from government.....	\$800,401 37	
Rentals.....	332,329 49	
Land sales, interest.....	120,556 97	
Savings deposits.....	73,089 97	
Miscellaneous.....	268,236 61	
		1,594,614 41
Total.....		\$ 4,645,141 44
Disbursements—		
Cash distributions of interest.....	\$369,839 27	
Relief, hospital and medical fees.....	267,449 46	
Savings withdrawals.....	51,115 39	
Miscellaneous.....	380,797 79	
		1,069,201 91
Balance in revenue March 31, 1945.....		\$ 3,575,939 53

In addition to the cash balance in the fund, amounts of \$415,265.58 are owing on land sale agreements, \$47,315.56 on account of loans and \$13,996.93 on sales of timber. The cash value of rental leases outstanding and chiefly unmatured is \$1,712,490.95.

Q. Can we find any comparable records to what we have before us?—A. No. That does not mean anything unless it were broken down, and to get it broken down the treasury office officials tell us that they simply haven't and cannot prepare such a statement under the conditions with regard to staff which exists at the present time.

Q. Now, the next question I have in mind, and this is for my own information, because I want to be sure of my facts on one particular point in connection with the trust fund, and that is this: what is the object of increasing the fund year by year? What is the real object? The department started in 1882 with a fund of over \$3,000,000 which is now \$17,000,000. I see in this statement which I hold in my hand that the excess of receipts over disbursements was \$765,000. What is the idea? All the Indians I have spoken to have complained about the great amount of moneys that are held in Ottawa to which they have not access. Now, if the moneys are being held for later distribution—I mean fifty or a hundred years from now—that is one thing, but are the moneys not for the welfare of the Indians now, and if so why are we adding to the fund such enormous amounts? Can you explain that?—A. I am glad you asked that question. I covered it in part in the previous session. The fact that there is a credit balance, or an increase, is desirable only in so far as it gives us more money to help the Indians. The department, however, is in favour of using that money, and as soon as the Indians become educated to the proper use of those moneys, then the credit balance shown each year will be reduced. At the present time the Indians clamour for cash distributions. Now, I want to say at this point that cash distributions are made in many agencies and they are made proper use of. In others such is not the case. The uses we would like to persuade the Indians to make of their funds are for purposes which will enhance their welfare; for things such as better housing, road construction, increased aid to old Indians. Those are sufficient examples I think.

By Mr. Richard:

Q. You mention better housing?—A. Yes.

Q. You expect to bring Indians to the point where they will tackle the issue themselves?—A. No, that is the responsibility of the agents, and many of them are making construction suggestions in that regard.

Q. Yes, constructive suggestions, but that does not give them better housing unless you go to work and build better houses.

Mr. REID: Later on we will deal with that point, as I am going to present evidence before this committee of a complete village in Alaska which is as modern as any city in the Dominion of Canada, a village which is entirely governed by Indians. They have modern houses and beautiful streets, and it has all been done by Indians.

Mr. RICHARD: My information with regard to British Columbia is that you have villages where the living conditions are deplorable.

Mr. REID: I will take you to Hull and show you worse places than B.C. Indians have. I was looking at them.

Mr. RICHARD: What conditions did you find?

Mr. REID: That is a different matter altogether. Now, will you be good enough to file with this committee the expenditures for the last ten years. I am interested in this to find out where all the money goes.

Mr. BRYCE: Mr. Reid said that the Indians think they have more money than they have. Now, would you be good enough to give me something with regard to Norway House? There are 957 Indians in that reserve and they only have a credit of \$1,203, a little more than \$1 each. Have they no income of any kind any more than that they have \$1,000 or \$1,200 in their account?

The WITNESS: There is no income as far as trust funds are concerned. I might say that the reason that many bands have not money is that the funds originated from the sale of capital assets such as land and timber, and nobody apparently was desirous of purchasing land in that vicinity.

By Mr. Bryce:

Q. That accounts for the poor conditions on that reserve. They have absolutely to depend upon the department to give them anything that they get. The way I see it from observations I have made—and I have made quite a few visits there—the white man took the trapping away from the Indian and he has encroached on his fishing, and when the Indian comes into competition with the white man the white man is better equipped to get revenue from the country and the Indian has nothing left to bring up his standard of living. What would be a good place for a muskrat conservation scheme or something like that, would it not?—A. I would like to say that the small trust fund indicates the extent to which my work is concerned. You will notice an item: contribution re sawmill, \$870.75.¹ I was speaking to a welfare official this morning and he said that the government, at the instance of the Welfare division, has spent on the sawmill there far more than double the amount of money shown there, and that sawmill is turning out lumber which is enabling the Indians to repair and build houses on that reserve. This Norway House band is the concern of the Welfare officials.

Q. I am familiar with what is going on because I have been there and have seen the conditions, and for the benefit of Mr. MacNicol I may say that that mill is being run by Indians. I have seen an Indian there debarking logs, and he was the equal of anybody I had ever seen at the work of taking lumber out of a log—as good as any white man. Of course, I have not had much logging experience, but I have had some.

Mr. REID: I have not finished my question.

The CHAIRMAN: I was interested when Mr. Leslie said: we are trying to educate the Indians in regard to better housing. Mr. Richard brought up the question. I think it is fair, from the departmental point of view, to say

¹ See Appendix O.

that that is what they are trying to do. We can put a man in a castle and he would not be happy, whereas in a cave he might be quite happy. We in our station in life would not be happy in a cave. Now, is it not our desire then to try to lift that man out of his cave and his squalor? There is a way to reach that level and that is by education. Is not that what we are trying to do?

Mr. REID: Yes. I am going to suggest to this committee that we bring some representatives from the United States who will tell us in particular about that wonderful Indian town in Alaska. When we come down to it it is not only among Indians, but among other groups, that we see dilapidated homes. I am not going into that now because we are dealing only with the Indians. When I see this modern town run by Indians I am intrigued, and I think we should look into all the circumstances.

The CHAIRMAN: I think that would intrigue all members of the committee. We are hoping to see something like that.

Mr. REID: I will bring a picture here to show this committee. Now, the point I had in mind was this: with regard to the trust fund, in the statement given, there is only one band mentioned in British Columbia, the Squamish band. Now, where does the rest of the money go to?

The WITNESS: Mr. Reid, all the other bands are in this book. If you wish to see them they are available. To prepare the complete list, as was suggested, would entail several months in time and the work of many stenographers, and stenographers are very hard to get.

By Mr. Case:

Q. This is the consolidated balance sheet?—A. Yes.

Q. And the apportionment to each individual band is accounted for in every particular, and it is all in here; this is what the department is holding for all bands?—A. Yes.

By Mr. Farquhar:

Q. You spoke of building up your band funds to take care of the aged Indians. What is the plan in that regard? My information is that the old Indians are not very well taken care of.—A. In many reserves at the present time they are making use of their band funds. We were able to accumulate funds during the war by suspending or discontinuing interest distribution. Assistance is given in this way: they pass in the council a resolution naming certain aged Indians whom the band themselves consider as deserving of assistance and they are issued a cheque for \$5 or \$7 a month which they may spend as they wish to provide comforts which they would not otherwise be able to obtain.

Q. Is that all it amounts to?—A. No, that is additional to the ordinary relief. It is something which is available to them because the band has funds.

By Mr. Castleden:

Q. And if the band has not funds?—A. Well, that is—

Q. Too bad.—A. By no means. I should say that it is not then my responsibility, but that of those in charge of the Welfare division.

Q. I put this to you, that the \$5 or \$7 is in addition to the regular relief rations, and the ones I saw were pretty low; that is available only to certain bands where their funds permit it—or is it available to all Indians?—A. No, it is not.

Q. To which bands is it available?—A. To those who have sufficient funds to make that expenditure possible without reducing the balance—

By Mr. Farquhar:

Q. The other bands that have not sufficient funds are not cared for?—A. Yes, they definitely are.

Q. In what way?—A. They receive relief and housing; but I would be glad if you would raise that question when the Welfare official is here because he is conversant with that matter and will give you a better answer.

Mr. BRYCE: I am sure that Mr. Hoey could tell us what the old person gets?

Mr. HOEY: I have not the detailed information with me at the moment, but it has been submitted on a number of occasions. At the time medical services were detached from Indian Affairs we had a special committee consisting of Dr. Kruse, Dr. Tisdale and Dr. Moore working out what they considered to be a well balanced relief and ration schedule, a minimum standard for all Indians, and they worked quite conscientiously on that. The survey undertaken in Northern Manitoba, in your own constituency, was the first step. Now, to what extent they have proceeded with the work they had to do I am not in a position to state, because the medical men are no longer under me; but a very sincere attempt was made during the last two or three years to work out an adequate relief schedule. Members of the committee will appreciate very readily that it is exceedingly difficult to supply nomadic Indians, elderly Indians in remote parts, with proper relief supplies. There are the transportation costs, and the goods that are sent must be goods that will remain fit for consumption for a year. It is not like providing relief in the city of Ottawa where there is an abundance of vegetables and fruit and the like available. The supply in addition to the relief schedule thousands of dollars worth of garden seeds. We encourage them to go in for gardening and we supply clothing outfits. When Colonel Jones appears he will tell you about the family allowances and the success that has followed the working out of a well balanced relief schedule under family allowances, and he has had a good deal of success.

By Mr. Farquhar:

Q. Approximately what is the monthly relief for an Indian?—A. It would not mean a thing because the item of \$5 or \$6 or \$8 a month to an Indian—well, it is most unfair. That may cost the department in the way of transportation costs 35 cents a pound, or ten times as much as if we were supplying to say the Six Nations. It might cost one-fifth of that. The Indian does not get cash and his relief is never figured out in cash; he gets so many pounds of flour, a pound of cheese, he gets so much for fish and so much for other things, and it all depends on what the transportation and other costs are to those things to him what its value would be if the Indian were purchasing in his own district.

By Mr. Reid:

Q. What would be the percentage of Indians who would get relief, because you might gather the idea that all Indians get relief of some kind or other?—A. Well, I am interested to know the number of Indians who get relief, because there are many Indians who are well off and who do not need relief at all—Well, that is true. The Six Nations Indians, for example, provide their own relief.

Mr. FARQUHAR: My experience has been that no Indian gets relief unless it is well investigated by the agent.

Mr. HOEY: True.

Mr. BRYCE: The truth is that those destitute Indians who travel along with the band do not go to the Indian agents for their relief and the condition is that the Indian will look after his own relief, and the lady will go for her own relief and she does not get any because she has to move along with the band because there is nobody at home to take care of her.

The CHAIRMAN: May I refer you to page 16 of the minutes of evidence of this committee where the question of welfare is dealt with in the presentation of Mr. Hoey?

Mr. REID: I have other questions to ask with regard to the trust funds.

By Mr. Reid:

Q. Where does the money come from if there is no money in the trust fund of a certain band and some of them find themselves in great need?—A. It comes from the welfare appropriation.

Q. Is that a departmental grant?—A. Yes.

Q. Where does the money go to which is obtained from certain reserve on which no Indians live but which have been designated, shall I say, a common property? Now, we have certain valuable properties in British Columbia which have been designated as Indian reserves but with no Indian on them, nor is there any information of any Indians ever having lived on them, but due to the fact that Indians may have put their canoes ashore while travelling up and down the river those valuable properties have been designated as Indian reserves. Now, as time has gone on these properties have been disposed of, generally speaking, to cities. Where does the money go and who distributes that money?—A. The first step would be to determine the ownership of that particular reserve, and the authority most generally used there is the report of the Royal Commission on the Indians of British Columbia, 1913. We have available to us that report and there are copies, and it is reasonably easy to determine to which band the proceeds of the sale of any particular reserve shall go.

Q. Could one copy be produced for the information of the committee?—A. Yes, I will see to that.

Q. Where does the money go to?—A. The Squamish band is an example. I believe there are a large number of reserves, and the report sets forth the number of the reserve and its location and the money will go to the credit of the Squamish band. They have a number of reserves such as the ones you have referred to which are not occupied by Indians actually.

Q. I am thinking of the ones in the Fraser river valley next to New Westminster on which no bands of Indians have ever lived but which, since Confederation, have been designated as Indian reserves, and when we go to the city to try to obtain the land we are told that it is an Indian reserve. No there was no Indian on it and you could not refer to any band of Indians as the disposal. I am wondering where the proceeds of that Indian band went. Did it go to the general fund of the government?—A. No, it did not. Mr. Brown will give you the answer to the question.

By Mr. Lickers:

Q. When there is an amalgamation of two bands; one at Kettle Point and the other one in the maritimes, and one of those bands had less funds than the other, how is that matter settled?—A. May I ask of what band in the maritimes you are speaking?

Q. Was there not an amalgamation of two bands?

Mr. HOEY: There was an amalgamation of several bands down there, but it is my understanding that the trust funds of the Micmacs of Nova Scotia are held in common. They do not belong to any particular band.

The CHAIRMAN: When you say that the funds are held in common do you mean that there is a separate amount for each band?

Mr. HOEY: No, a separate account for the Micmacs in Nova Scotia.

Mr. LICKERS: Was it always like that?

Mr. HOEY: Yes.

Mr. LICKERS: What about the Kettle Point fund? Had they any trust fund at all?

The WITNESS: They have now, but I could answer that only by looking at the files.

By Mr. Reid:

Q. Are there any Indians on Poplar Island, because I see you have a trust fund for Poplar Island of \$8,120? It is an island the city of New Westminster is desirous of getting. I have never seen an Indian—I do not think there are any Indians living there.—A. Occasionally it is not clear. I believe the transaction is still pending as regards the disposal of Poplar Island. Occasionally there is some doubt as to what will be left there when the transaction is completed, but until that is finished the allotment of that fund to the band—it would probably go to one or other of the other accounts if that settlement is determined at the end.

Q. I would like to know where the money goes to, because there has been a great dispute there. There are no Indians there.

Mr. RICHARD: You cannot trust the ownership to that particular band?

Mr. REID: No. No Indians have ever lived there, except in the case I have mentioned of them passing down the river. In the early days they used it as a stopping off place and since Confederation it has been designated by the department as an Indian reservation. There is no band that I know of to whom it belongs because all the bands can lay claim to it. I wonder where the money will go. It is an interesting point.

The WITNESS: It will go to the credit of the Chilliwack bands, trust account 371, I believe, because it is recognized as property belonging to those bands, as I said before.

By Mr. Bryce:

Q. In the sheet you were good enough to give me this morning there is reference to the St. Peters band, with a population of 83, and they have over 50,000 in their fund. At the bottom you say that the Peguis band also share in this account and the population of the Peguis band is 1,158. How do they share in that?—A. In order to answer that question I will have to outline the history. In about 1905 the entire St. Peters band were on that original reserve now occupied by these 83 members. For various reasons, one of which was the encroachment of whites with the consent of the Indians, which Chief Peguis gave—I do not know under what authority, but probably on his own initiative—he gave what he thought was title to some of the band-owned land. He gave this title to whites and the result was that the reserve was spotted with white occupants. That is only one of the factors that entered into it, there may have been others. At any rate, it was considered advisable to move these Indians to a more suitable reserve and surrender was taken. They surrendered 48,000 acres and out of that surrender they reserved 21,000 to be allotted to various Indians of the band who might wish to stay. The chief was to get the largest part, the councillors a lesser amount and the individual Indian was to receive 6 acres, I believe.

Q. What Act covers that? There would be an Act of parliament to cover that, would there not?—A. There may have been. I do not recall it now. At any rate, it would be in accordance with the Indian Act. These Indians were given in exchange for the 24,000 surrendered, 75,000 acres where the Peguis band now are with a ten-mile frontage on Lake Winnipeg. The surrender provided that the chief was to get \$10 more than the other Indians and each councillor was to get \$6 more than each other Indian at every distribution. The moneys were to be deposited to the credit of their fund, the interest to be paid to them in the usual manner. When it came to the time, however, when the transfer of the population was to be effected, part of them objected for understandable reasons; they did not want to be moved and they could not be moved except of their own free will, and they were left there. A condition of that transfer was that those who wished to move would be helped at the expense of the government during the five years immediately following the date of surrender. So you will understand then that the St. Peters band of 83 and the Peguis band of over 1,000 have an equal right to the proceeds of the sale of the land and they share in the fund.

Q. Both are the same as far as the trust fund is concerned?—A. Yes.

By Mr. Castleden:

Q. Did I understand you to say that the chief had surrendered portions of land to white people?—A. I did not say surrendered it. What appears from our records is that acting in the capacity of head of the band he gave this to certain individuals—he may have given them a piece of paper.

Mr. BRYCE: What is the position of the Indian to that; that the land was given away without his sanction and without the sanction of the band?

The WITNESS: The fact remains that those who wished could remain on the reserve.

Mr. MACNICOL: Would the chief have the right to do that?

The WITNESS: I do not think so.

Mr. MACNICOL: Why should not the white people be dispossessed?

The CHAIRMAN: I am reminded that it might have been the chief who "arranged the arrangement".

By Mr. Castleden:

Q. The white people have no title to the land; it is an illegal sale?—A. With this reservation that the part surrendered for sale was a proper transaction.

Q. Yes. I am talking about this individual arrangement or bargain made between some white persons and the Indian chief or head of the band.—A. Yes, possibly.

By Mr. Case:

Q. What compensation was made for those who left? Were they given other lands?—A. They were given 75,000 acres to use as they wished.

Q. They were given 75,000 acres for something like 20,000 odd which were surrendered?—A. Yes.

By Mr. Reid:

Q. What explanation can you give for the money that is held for enfranchised Indians? I understood that when an Indian was enfranchised that generally speaking he kept aloof from the band. Why have you this money for enfranchised Indians?—A. The practice is that where there is an enfranchised Indian and his family are minors, the money is retained in the department

until they become twenty-one, when the money is paid to them. Interest on that fund which is retained on behalf of the children is paid to the father or mother each year.

By Mr. Case:

Q. But you do not cut a war veteran Indian off even if he becomes enfranchised? He still is a member of the band and has access to the fund?
—A. No.

By Mr. Bryce:

Q. Are you prepared to go further and go into the grazing rights?—A. I would much prefer to leave that to Mr. Brown.

By Mr. Lickers:

Q. In connection with the interest on the trust fund, if it would give the Indian a little bit of responsibility in looking after his own affairs, would you think it would be a good suggestion to offer each year the interest alone from the trust fund to the bands so that they could work out their own budgets in connection with looking after their own affairs?—A. Well, as you know that interest is available to them and they do work out budgets in many cases as to what use they want to make of that fund. If I understand you correctly, you want to take the money from Ottawa and put it in a local bank as the property of the band, to the credit of the band. If you did that they would get only $1\frac{1}{2}$ per cent interest on that amount, and another thing—

Q. They do not get that now, do they?—A. They get 5 per cent.

Q. Interest on the interest now?—A. Yes.

Q. When that is allocated for each year they do not get any interest on that while it is here?—A. If they start out with \$50,000 in their interest account and during the year they use \$40,000 there is the interest on \$10,000 at the end of the year at 5 per cent.

Q. They would not be losing any money, they would be getting $1\frac{1}{2}$ per cent on the \$40,000 were transferred to them?—A. Possibly. The only difficulty I can see offhand is the trouble of accounting. A complete new bookkeeping system would have to be set up for each band and that involves considerable expense.

Q. Do not auditors go around to each agency in any event and look over their books?—A. They would not take the responsibility for doing that unless there is some change in the arrangement. I am quite sure the present staff would not take on that work.

Q. Suppose the Indians had appointed their own auditors?—A. That would cut up a portion of their fund.

By Mr. Reid:

Q. Did you say 5 per cent on the interest?—A. Yes.

Q. On the interest that is held?—A. On the interest that is left at the end of the fiscal year.

THE CHAIRMAN: And it is put back into the general fund and on that general fund they get 5 per cent.

By Mr. Lickers:

Q. Of what is left at the end of the year?—A. Yes.

Q. Not what you started out with?—A. Yes. Of course, the same would apply if they had that money in the bank; they would get only $1\frac{1}{2}$ per cent on what is left at the end of the half year, would they not?

Mr. LICKERS: I am thinking more or less of the Six Nations who can look after their own affairs without having to send down to Ottawa for an expenditure of \$5 or something like that.

The WITNESS: They have a large measure of control over their own affairs. The council each month, as you know, passes a list of expenditures which are never questioned—except very occasionally.

By Mr. Lickers:

Q. You would give them a lot more sense of security in looking after their funds as well as making them responsible for the money, and it would help them if they were in a position to have the cheques signed by the chief and the Indian agent.

The CHAIRMAN: That will go on record as worthy of consideration.

Mr. MACNICOL: Any extension of autonomy to the Six Nations will be a wise step.

By Mr. Reid:

Q. Why would you keep for so small a band of Indians a sum like \$582.60 for funeral account? That would bury all of the Semiamu band?—A Give me the full item.

Q. The Semiamu band?—A. We haven't got copies of that.

Q. I want to see the whole thing. This sheet does not give me all I wanted. I want to study this book. There are lots of question to ask.—A. Will you let us have the question.

Q. There may be only 277 in the band and here is a funeral account of \$582.—A. There is the funeral account of \$25. Rentals were \$582.60.

Mr. MACNICOL: I would like to change the subject.

Mr. CASTLEDEN: I was going to deal with trust accounts.

Mr. MACNICOL: I was going to deal with the second last page of that statement, Indian receipts.

The CHAIRMAN: Would you let the witness say a word?

The WITNESS: Mr. Reid, with regard to that question you raised about the funeral account or referred to as being held in funeral account, if \$25 was expended for funerals that is what that means—for funerals on the reserve.

The CHAIRMAN: Would a funeral cost only \$25?

Mr. LICKERS: That is all you grant. You grant them \$25 and then the family pays the rest of the funeral expenses.

Mr. CASTLEDEN: Is the funeral conducted by an ordinary undertaker?

Mr. LICKERS: Yes.

Mr. GIBSON: There are two different types, one in a community such as the Six Nations, and then those in the very isolated places where they require a blanket usually. The Indian agent often gives them authority to get a \$5 blanket and it is a gesture by the department to the departed.

The CHAIRMAN: You are dealing with two different types of people entirely. The Six Nations are in an entirely different position.

Mr. BLACKMORE: There must be gradations all the way through.

The CHAIRMAN: Yes.

The WITNESS: That \$25 funeral account would be paid probably to indigent. The rate is about equal to the amount paid for indigents in wh municipalities.

By Mr. MacNicol:

Q. Let me refer to line 18 of the second last page: "Settlements re flooding: ac Seul \$50,263.00". Who would judge on behalf of the Indians in that area where the dam on the river flooded a lot of land, the water being conserved supply water to the English River to produce power upon that river? Who could say on behalf of the Indians just what amount of money they should be allowed for the flooding of their land?—A. Mr. Allan would probably be the person to deal with that.

Q. I will leave that for him. On the same page, the twenty-fifth line: "Proceeds from bonds and sales of muskrat pelts". Would he be the right man to answer that question?—A. No, Mr. Allan will be the main representative as far as the department is concerned.

Q. Who will give me an answer?—A. Mr. Allan would determine the suitability or amount of the compensation allowed. It may be that he would select counsel under the authority of the Department of Justice.

Q. Those rights will be pretty valuable to the Indians—A. Yes.

Mr. CASE: Would the Indians have a representative on the board too?

Mr. MACNICOL: Their rights would be very valuable because large blocks of power were being developed, and Indian land is flooded for the conservation of water. I doubt if \$50,000 is an equitable allowance.

The WITNESS: The Indian is adequately safeguarded. Mr. Brown will give you a statement on that type of question.

Mr. CASTLEDEN: There is considerable complaint among the Indians in the Kenora, Ontario, district for not being properly recompensed for the flooding of their land.

Mr. MACNICOL: When Mr. Allan comes before the committee I shall ask him about this.

The CHAIRMAN: Mr. Brown will be here; Mr. Allan is ill.

Mr. MACNICOL: That will be all right. Line 25 deals with the item, "Proceeds from bonds and sale of muskrat pelts \$39,465". Who would be able to tell me what the Indians received for muskrat pelts in northern Manitoba between The Pas and Cedar Lake?

The WITNESS: Mr. Conn will give the fullest possible information.

The CHAIRMAN: Will he come before this committee?

The WITNESS: Yes.

Mr. MACNICOL: Now, my last question has to do with timber rentals and values. I found considerable complaint on the reservation at Nipigon Lake about the disposal of timber.

The WITNESS: Once again, Mr. Kehoe of the reserves branch will give you that information.

Mr. MACNICOL: That is all then until these people come before the committee.

Mr. CASTLEDEN: As regards soldier settlement, there is the grant from the Soldier Settlement Board of \$2,600, and the soldier settler has paid into the trust \$2,700 I see here, new loans, \$433 and salaries \$1,800; repayments of loans collected \$7,175.93; balance of advance \$367.67. What is the arrangement with regard to the trust fund in the Soldier Settlement Board?

The WITNESS: I can deal briefly with that. The \$2,600 is to provide for salaries of men hired or in the employ of the department dealing with soldier settler problems. The main area where that is carried out is in the Six Nations reserve.

Mr. BLACKMORE: Will Mr. Leslie be back again?

The CHAIRMAN: Yes. We will meet again next Tuesday at 11 o'clock.

Mr. BLACKMORE: I should like to ask if at our next session Mr. Lickers would be ready to give us a statement of any bands he has heard from across Canada so that we will be able to understand to what extent he is representing the Indians.

The CHAIRMAN: Yes. I suppose you will be ready to give us that information, Mr. Lickers?

Mr. LICKERS: Yes.

The committee adjourned to meet on Tuesday, July 16, at 11 o'clock a.m.

APPENDIX M

Exact copy of Canadian Press Despatch from House of Commons, covering proceedings of Indian Affairs Committee, July 9, 1946.

H4 INDIANS

OTTAWA, July 9—(CP)—A resolution by G. H. Castleden (CCF-Yorkton), that five Indians be appointed immediately to serve on the committee with watching briefs, to-day was defeated after a stormy discussion at the Parliamentary Committee on Indian Affairs.

In presenting the resolution, Mr. Castleden said:—"We don't get a proper picture of the Indian problem unless we have Indians here to listen to the departmental evidence and then give us their opinion of it. The Indian hasn't been given a square deal, here is an opportunity to give him British justice".

William Bryce (CCF-Selkirk) supporting the resolution, said that since the Indian Act was going to be amended to improve the conditions of the Indians, "surely he has a right to sit in on this committee".

"I've seen blind Indians starving in this country and they never should have been", he said. "If you want the Indians to have faith . . . You've got to bring them here so they can hear what is being said".

MR HC 118P.

ADD OTTAWA INDIANS XX SAID

Thomas Reid (L-New Westminster), who opposed the resolution, said he favoured Indian representation, but it did not seem to be practical at present. "A watching brief has nothing to do with humanity or British Justice".

J. R. MacNicol (PC-Toronto Davenport) opposed the notion because there was not a good method of selecting representatives. There were so many Indian groups it was hard to decide who should be represented.

Mr. MacNicol said "The impression is going out all over the country that Mr. Castleden alone is interested in the fate of the Indians. That is the wrong impression. We are all interested in the Indians".

D. S. Harbuckness (PC/Calgary East) was opposed to the resolution because it would be "wasting time" to have five or eight Indians waiting around when the committee meets only two hours twice a week".

HC1245P 1-2.

APPENDIX N

3389-91

HOUSE OF COMMONS
Thursday, July 11, 1946

PRIVILEGE

Mr. Brown—Indian Affairs Committee—Newspaper Reports and Headlines

Mr. D. F. BROWN: (Essex West): Mr. Speaker, I rise to a question of privilege affecting the members of a special joint committee of the Senate and the House of Commons. As joint chairman of the committee which is examining and considering Indian affairs I raised this question of privilege at our committee meeting this morning, and the committee have directed me to raise the question in this house at the first available opportunity.

The question arises out of newspaper headlines and reports which give an entirely misleading, unfair and untrue impression of certain of the proceedings of the joint committee on Tuesday, July 9, 1946. Newspaper reports, I believe unintentionally, are unfair to both houses of parliament, mislead Canadians generally and will cause grave distress to the people most concerned—the Canadian Indians. As examples I should like to quote the Toronto *Evening Telegram* of July 9, which contains this heading: "Defeat motion to put Indians on committee." The Cornwall *Daily Standard Freeholder* of July 10 had this heading: "Defeats motion to have Indians on committee." The Kitchener *Daily Record* of July 9 has this: "Reject Indians on Ottawa body." The Owen Sound *Times* of July 9: "Refuse to name Indians to Commons body." The Toronto *Daily Star* of July 9: "Defeat move to let Indians give opinions." The Toronto *Globe and Mail* of July 10: "Oppose naming of five Indians to house group." The newspapers from western Canada, the maritimes and British Columbia are not yet on file, but it is likely that many of them will carry similar headlines unless some correction is made.

I have seen the story which was sent out from the House of Commons to the Canadian Press. That story is fair and impartial, and if properly used by the newspapers this question could not have arisen.

Your committee has put itself on record time and again as being unable to make its desire to give all interested parties the fullest opportunity to make representations to the committee. At present we are getting on with a departmental case. As a courtesy we have already heard representations; and if one Indian organization, because they were in Ottawa in conference at all times, can find some feasible means of having Indians in attendance, Mr. Kelly, himself, we shall be glad to recommend it. However, the Reverend P. R. Kelly, himself, a full blooded Indian, who represents the largest democratic Indian organization group of Indians in British Columbia, and in fact in Canada, has come forward to members of the committee his belief that the present is not the time for the committee to have Indians attend Ottawa constantly to be in attendance during the deliberations of the committee.

But we have, and I think it is important to emphasize this, engaged counsel and for a liaison officer between the committee and the Canadian Indian member of the Six Nations band who is also a member of the Ontario band and attends all meetings of the main committee and the subcommittee on a day and procedure, questions the witnesses, and later, when we arrive at the time, near representatives of Indian bands, will assist them in the preparation and presentation of their briefs.

It is most unfortunate that the newspapers did not take the time and trouble to make a proper use of the Canadian Press report. This is not the time when the Canadian Indian should be allowed to believe that your committee is not doing everything in its power to give effect to the resolution moved

y 13 last by the Minister of Mines and Resources (Mr. Glen), the order
ference to the committee, or desires in any way to restrict either the scope
he character of our inquiry. I am glad to have this opportunity to assure
house, the people of Canada generally, and Canadian Indians in particular,
the work of the committee will be as thorough, as comprehensive and as
ching as it is possible to make it.

Permit me in conclusion to assure all concerned that the committee is
g and will do all in its power to ensure that the revision of the Indian Act
in every sense be the Magna Carta of Canadian Indians.

APPENDIX O

Population 619—Agent, P. G. Lazenby
FISHER RIVER BAND—A/c No. 209

<i>Capital</i>	Dr.	Cr.
April 1, 1945—Balance.....	.....	\$2,767 20
Wood dues.....	.....	85 20
March 31, 1946—Balance.....	\$2,852 40	.....
	\$2,852 40	\$2,852 40
<i>Interest</i>		
April 1, 1945—Balance.....	.....	\$ 503 62
Government Interest.....	.....	163 54
Rental.....	.....	100 00
Relief supplies.....	\$ 274 60	.....
Funeral accounts.....	45 56	.....
March 31, 1946—Balance.....	447 00	.....
	\$767 16	\$ 767 16

Population 957—Agent, E. B. Goodman
NORWAY HOUSE RESERVE—A/c No. 428

<i>Interest</i>	Dr.	Cr.
April 1, 1945—Balance.....	.....	\$ 316 87
Government Interest.....	.....	15 84
Contribution <i>re</i> sawmill.....	.....	870 75
Shares of enfranchised Indians.....	\$ 2 33	.....
March 31, 1946—Balance.....	1,201 13	.....
	\$1,203 46	\$1,203 46

Population 83—Agent, E. McPherson
ST. PETERS—A/c No. 59

<i>Capital</i>	Dr.	Cr.
April 1, 1945—Balance.....	.....	\$47,436 64
Payment on land.....	.....	2,057 08
Timber dues.....	.....	1,071 46
Shares of transferred Indians.....	\$ 170 16	.....
Shares of enfranchised Indians.....	556 44	.....
Overpayment on land.....	20 34	.....
March 31, 1946—Balance.....	49,818 24	.....
	\$50,565 18	\$50,565 18
<i>Interest</i>	Dr.	Cr.
April 1, 1945—Balance.....	.....	\$17,240 18
Government Interest.....	.....	3,233 84
Interest on land.....	.....	345 11
Share of fur crop.....	.....	2,849 21
Grazing permit.....	.....	50 00
Sale of boots.....	.....	4 00
Hay permits.....	.....	663 50
Rentals.....	.....	575 00
Relief supplies.....	\$ 6,733 97	.....
Interest distribution.....	1,483 03	.....
Funeral account.....	311 50	.....
Building material for repairs to houses.....	566 93	.....
Wintering bulls, harness, etc.	129 85	.....
March 31, 1946—Balance.....	15,735 56	.....
	\$24,960 84	\$24,960 84

Peguis Band also share in this Account. The population of the Peguis Band is
1,158 Indians. They are in the Fisher River Indian Agency under Indian
Agent E. McPherson.

APPENDIX P

APPLICATION FOR COMMUTATION

I,formerly a member
of Band and included
on the pay-list of the said Band with family number.....
having married
a White man, a half-breed, a non-treaty Indian, desire to have my share of
the income of the said Band commuted to me at ten years' purchase, under
Section 14 of the Indian Act, and I agree to accept the payment as full
satisfaction of my claim against the funds or moneys of the said Band
present or prospective.

.....

Witness:

.....

Approved in Council19...

}
Councillors of the
}

This statement is certified as correct and payment is recommended.

Agent.

Doc
W
m
Special Joint Committee on the 1946
SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

TUESDAY, JULY 16, 1946

WITNESS:

L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch,
Department of Mines and Resources, Ottawa.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946





MINUTES OF PROCEEDINGS

THE SENATE,

TUESDAY, 16th July, 1946.

The Special Joint Committee of the Senate and House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), all such other matters as have been referred to the said Committee, met today at 11.00 o'clock a.m., the Joint Chairmen: The Honourable Senator Johnston and Mr. D. F. Brown, M.P., presided.

Present:

The Senate: The Honourable Senator Johnston.

The House of Commons: The Honourable Mr. Stirling and Messrs. Blackie, Brown, Bryce, Case, Castleden, Charlton, Gariépy, Gibson (*Comox-Strathcona*), Harkness, MacLean, MacNicol, Matthews (*Brandon*), Raymond (Strathcona), Reid and Richard (*Gloucester*)—15.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford and R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; M. McCrimmon, L. L. Brown, A. G. Leslie, of Reserves and Lands Branch; H. M. Jones, M. E. Armstrong and F. Kehoe, Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Solicitor General.

Mr. Gibson presented the sixth report of the subcommittee on agenda and procedure.

On motion of Mr. Gibson, it was

Resolved: That the sixth report of the subcommittee on agenda and procedure be adopted.

Accordingly, the meeting of the Special Joint Committee on Thursday, 19th July next, will be held in camera, in order to consider and report upon the present and future agenda and procedure of the said Committee.

Mr. L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch, Department of Mines and Resources, Ottawa, was called and made a statement.

It was agreed that Mr. Brown will be re-called on Tuesday, 23rd July next, for questioning.

The Committee adjourned at 1.00 o'clock p.m., to meet again at 11.00 o'clock a.m., on Thursday, 18th July next.

T. L. McEVOY,

Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
July 16, 1946.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 11 o'clock a.m. Mr. F. Brown (Joint Chairman) presided.

The CHAIRMAN: Gentlemen, Mr. Gibson will read the sixth report of the subcommittee on agenda and procedure.

Mr. GIBSON: Your subcommittee recommends that the meeting of the joint committee, on Thursday, 18th July next, be held in camera, for the purpose of considering and reporting upon the present and future agenda and procedure of the committee. All of which is respectfully submitted.

I move the adoption of this report.

Mr. REID: I second the motion.

Mr. CASTLEDEN: Is there any particular reason why it should be in camera?

The CHAIRMAN: It is usual when we are going to discuss our report. It is a matter of what we are going to do in the future. We have several suggestions to make and those matters do not go on the record.

Mr. REID: I think some suggestions to be made by members might be dangerous if they were carried outside and publicity given to them. I think we could have a freer discussion if we discuss our future by ourselves.

Mr. CASTLEDEN: This may have some bearing on our recommendations with regard to carrying on if the session dies as a result of prorogation.

The CHAIRMAN: Yes, and there are other procedures that we must carry on in the future. It will be an open and free discussion on how we are going to proceed during the recess, if we are to proceed during the recess.

Mr. CASTLEDEN: We cannot proceed during the recess as we are at present constituted.

The CHAIRMAN: That is right. That is one of the matters we want to discuss. Are there any further comments? All in favour? Contrary? Mr. Castleden is contrary. Motion carried, to adopt the report.

We have as a witness this morning Mr. Brown, who is one of the officials of the department. I believe he is one of the legal advisers. I understand there were some further questions to be asked of Mr. Leslie, but if you will permit Mr. Brown to be heard today we could proceed with Mr. Leslie when Mr. Brown has completed his presentation. If that is agreeable, I will ask Mr. Brown to come forward.

Leonard L. Brown, Junior Departmental Solicitor, Department of Indian Affairs, called.

By the Chairman:

Q. What is your full name?—A. Leonard L. Brown.

Q. What is your official position?—A. Junior Departmental Solicitor.

Q. Of the Department of Indian Affairs?—A. Yes.

Q. You are stationed where?—A. Ottawa.

By Hon. Mr. Johnston:

Q. Senior or junior—A. Junior.

By the Chairman:

Q. How long have you been with the department?—A. Eight years.

Q. What is your particular presentation to be on this morning?—A. Estate work of deceased Indians, location tickets and sale of Indian lands.

The CHAIRMAN: Are there any preliminary questions?

By Mr. Reid:

Q. I have one preliminary question. What did you mean by "junior solicitor"? Is there someone senior to you or is that just the status?—A. There are senior departmental solicitors. I suppose you would call it a qualification of the civil service.

Q. In your own Department of Indian Affairs are you the solicitor for the department?—A. No, more of an administrative officer with legal training. In other words, there are two departmental solicitors.

By the Chairman:

Q. Are you the one in charge of the work that you are presenting here today?—A. Yes.

By Mr. Bryce:

Q. Are you next to Mr. Allan?—A. No, Mr. McCrimmon is between Mr. Allan and myself.

Q. You are third in seniority in the department?—A. Well, approximately yes.

By Mr. Castleden:

Q. You have to do with reserve boundaries, the surrendering of land and the sale of property, the sale of land?—A. Not quite all that, but I am giving the submission for the reserves section because of the illness of Mr. Allan and because Mr. McCrimmon, the chief of the reserves section, has been away for over two months. He is here today but he is just back and did not have the opportunity to prepare for this so I am giving part of what would normally be his work as well as my own in this submission.

By Mr. Bryce:

Q. You will deal with conservation projects that have been undertaken by the Indian department?—A. No.

Q. Who will deal with those?

Mr. HOBY: Mr. Conn.

By Mr. Castleden:

Q. Will we be able to get information with regard to the sale of lands, and reserve boundaries?—A. Yes.

Q. The surrender of property?—A. Yes.

By the Chairman:

Q. That will be in your presentation?—A. Some of that will be brought out in my presentation. Probably there will be questions you wish to ask afterwards on that.

The CHAIRMAN: If there are no further preliminary questions I would ask Mr. Brown to proceed.

The WITNESS: Mr. Chairman and gentlemen: In the regrettable absence of Mr. Allan, the Superintendent of Reserves and Trusts, I have been asked to bring to you the work of the reserves section, and to answer such questions you may care to ask regarding our work. I shall endeavour to do so to the best of my ability, but as my duties have in the main been concerned with Indian estates, location tickets and the sale of Indian lands there will undoubtedly be questions on other features of the work of our section which I am not familiar with and which I will have difficulty in answering and, in fact, may not be able to answer immediately.

You will appreciate as a junior officer I am more concerned with carrying out policies than formulating them. I merely mention the foregoing so that any reticence on my part will not be considered as reluctance to answer any questions but rather what I should say on the subject before I investigate it further.

The work of the Reserves Section of the Indian Affairs Branch may be summarized under the following main headings: 1. Reserve Lands; 2. Indian Estates; 3. Indian estates; 4. Location tickets; 5. Timber, oil and mining; 6. Franchisement; 7. Band membership. I propose to outline as briefly as possible our functions under these headings.

Reserve Lands

Reserve lands, as the name implies are the lands comprised in the 2,210 Indian reserves across Canada, the total acreage at the present time being over one and one half million acres. As the Indian population of the Dominion in the neighbourhood of 105,000, the per capita land quota is, therefore, in the neighbourhood of 50 acres or approximately 200 acres per average family. If it were all good arable land it should be adequate not only for the immediate needs of the Indians but sufficient to satisfy their requirements for many years in the future at the present rate of increase in the population. In so far as the reserve is concerned, Canada has been just, if not generous, in her treatment of the Indian population.

Problems having to do with Indian reserves are the work of the Reserves Division, and as they are numerous and of great variety it is impossible in a brief of this nature to mention them all and it is, therefore, proposed to consider them under the following sub-headings:—

- (a) Acquisition of land for new reserves or as additions to existing reserves.
- (b) Disposal of unneeded portions of reserves.
- (c) Leasing of reserve land to either Indians or persons of white status,
- (d) Issuance of permits of occupation to persons of white status and trespass of white persons on Indian reserves.
- (e) Granting easements and rights of way across Indian reserves.
- (f) Survey work on reserves.

A. A large percentage of the land set aside for Indian reserves is arable and good land from the standpoint of agriculture and a good deal of the remainder is economically useful to the Indian and suited to their traditional requirements for hunting, fishing, trapping and the practice of forestry arts. There are, fortunately, some Indian bands whose reserves are not large enough for their needs or adequate for the use to which the Indians would like to put them and there has been an increasing amount of attention given to this problem.

You will appreciate that with the number of reserves there are across Canada it is impossible to make an accurate survey as to the requirements of all bands over a short period nor does it appear necessary to do so for in many cases there is ample land. There are others where we know there is a deficiency of land or that the land is not suitable and in such cases it is the policy of the Department, when possible, to either secure land as an addition to the reserve

or acquire land for a new reserve. Particularly in the more settled areas eastern Canada it is extremely difficult to secure land and progress has been necessarily slow.

Due to the fact that a great deal of former Indian reserve land has been surrendered and sold over the past forty or fifty years, a great many people have unfortunately received the impression that the administration has permitted the Indians to be gradually deprived of a great deal of their land and wish to show that this is not altogether a true statement of fact. In the matter of the lands disposed of were not required by the Bands concerned and would, at least in the opinion of the administration at the date the surrenders were accepted, probably never have been required by them although it is also true that in certain cases the policy of allowing land to be sold was short-sighted. Certainly it can be definitely stated at this time that the department is again opposing the alienation of further lands from Indian reserves in general and is in fact acquiring additional lands every year for the Indians, and I would like to outline very briefly what steps have been taken by the department to this effect during the war years.

Looking across Canada from east to west, in Prince Edward Island the department acquired 1,095 acres in 1942 for an addition to the Lennox Island Indian Reserve and 1,768 acres as an addition to the existing Shubenacadie Indian Reserve in Nova Scotia. In New Brunswick negotiations are presently underway to add a good 500 acre farm to the Kingsclear Indian Reserve. In Quebec the department acquired title to the extensive lands in Indian occupation at Oka formerly held by the Sulpician Fathers and as an addition to the proposed new reserve there was purchased 700 acres on neighbouring Mont St. Alexis as a source of wood supply for the Indians. Forty acres was also acquired as a wood lot for the Indians of the Maria Reserve. In the Township of Toussaint in the Abitibi Agency 2,290 acres were secured from the Province of Quebec for the creation of the new Obidjiwan Reserve. The department is also at the moment negotiating with the Province of Quebec for seven areas to be set aside as Indian reserves for the Barriere Lake Band of the Maniwaki Agency, and the Abitibi Grand Lake Victoria, Mistassini and Wasonapi Bands of the Abitibi Agency. There are no properly established reserves in these areas and the Indians have consequently been up to now in occupation of land to which they have no title.

There have been few additions to reserves in Ontario in recent years but I would judge that this has been due to two factors; first, that the majority of the reserves are adequate in size and second, that it is next to impossible to acquire additional land adjacent to southern and central reserves which are mainly in heavily settled areas. On some of the Ontario reserves the per capita acreage is small from the point of view of every Indian having an adequate farming unit if he desired the same, but at least on one of the largest reserves there appears a trend towards the small holding which may possibly indicate that many Indians are finding employment in the neighbouring towns and villages and are not as dependent as heretofore on earning a living from the land. It is possible that they have been forced to seek employment elsewhere due to a shortage of land but I am so we are not aware of it and I can say that in only one case of an Ontario reserve have I personally heard complaints from Indians as to a scarcity of land. Where the opportunity presents itself the department has acquired additional lands and last year we purchased an old railroad right of way across the Tyendinaga Reserve which had been a detriment to the farming community for years. As Inspector Arneil previously mentioned, when before you, we also brought back into the Moravian Reserve a 40 acre farm which had been alienated over fifty years ago on the enfranchisement of an Indian. In 1940 we acquired 3,771 acres of land known as the Rankin Mining Location near Sault Ste. Marie for the purpose of creating a reserve for the Batchewana Bay Band of Indians who

Following the surrender of their reserve some years ago, had been split up and residing in various sections of the country. In 1944 Bear Island in Lake Timagami containing 645 acres was acquired from the Province of Ontario as a reserve for the Indians in that district and in 1945, 6,700 acres of land at Calstock on the Transcontinental Railway were secured from the provincial government for the new Constance Lake Reserve to provide accommodation for the Indians formerly scattered along the Transcontinental Railway. Negotiations are also under way with the Province of Ontario for the acquisition of land to provide a reserve for the Brunswick House Band of Indians in northern Ontario.

In the Prairie Provinces there does not for the most part appear any necessity for the securing of additional land as the reserves are generally adequate to the needs of the various bands. In Manitoba 574 acres were acquired from the Hudson's Bay Company as an addition to the Fort Alexander Reserve and in the neighbourhood of The Pas 38.55 acres were acquired for the Indians at Big Eddy Settlement. Also in The Pas Agency the department has secured from the provincial government 2,080 acres as an addition to the Chemanawin Indian Reserve.

There is one notable exception to my previous statement that lands in the Prairie Provinces are generally adequate and that is the case of the Stony Band of Alberta at Morley, Alberta.

In accordance with the terms of Treaty 7 which was made in 1877 the Stony Band selected some 70,000 acres near Morley for their reserve and while the land selected may have been considered suitable for their purpose at that date the majority of it is a very low quality and will never maintain the Indians as either a farming or ranching community. This fact has been realized for some time but it was not until the end of the recent World War that an opportunity to correct the situation arose. At the moment the department is on the point of completing the purchase of two adjoining ranch properties to the east of the present reserve which together comprise some 9,000 acres of good agricultural and grazing land with the object of gradually moving members of the Stony Band to this new land and under proper supervision, assisting them to develop as a farming and grazing community. The department is also hopeful that further land of the same type may be acquired in the district for the Band.

In British Columbia the additional lands secured by the department have for the most part been small holdings and a few of these are as follows:—

In the Bella Coola Agency 320 acres were added to the Andy Cahoose Meadow Reserve and 160 acres to Ulkatcho No. 13 Reserve in the Lytton Agency; 23 acres were acquired as supplementary land for the Anderson Lake Band and 125 acres for the creation of a new reserve, Seton Lake Reserve No. 7. In the William's Lake Agency, 322 acres were acquired for the Alkali Lake Reserve No. 4 and 120 acres added to the Seymour Creek Reserve.

In general it may be said that the department is endeavouring when possible to provide adequate reserve lands in cases where it is considered that the present reserves are not satisfactory and all steps taken to this end are the work of the Reserves Division.

B.—My second sub-heading is the disposal of unneeded portions of reserves, but as these portions, when disposed of become Indian lands within the meaning of the Act it is proposed to consider this phase of the work of the Reserves Division under the main heading "Indian Lands".

C.—My third sub-heading is the leasing of reserve lands to both Indians and persons of white status and that this has become of increasing importance in recent years is evidenced by the fact that the revenue from leases in 1945 was \$331,267.33 or an increase of almost \$85,000 from the previous year.

Revenue from leases has almost doubled in the past two years. There are three distinct types of leases to be considered:—

1. The leasing of the recognized holding of an Indian to another Indian or to a person of white status.
2. The leasing of band land to persons of white status with the consent of the band—that is after a surrender for leasing purposes.
3. The leasing of unused band land to persons of white status without the consent of the band.

Section 50 of the Indian Act provides in part that the Minister of Mines and Resources may lease for the benefit of any Indian, upon application for that purpose, the land to which he is entitled without such land being released or surrendered or in short that an Indian, subject only to the discretionary power reserved to the Minister, may lease his recognized holding to whomsoever he wishes—to another Indian or to a person of white status.

By Mr. Case:

Q. Does the land become subject to taxation then?—A. No, it is still part of the Indian reserve.

The CHAIRMAN: Gentlemen, before we proceed, I do not want to spank Mr. Case—

Mr. REID: It is nice that someone else is getting it.

Mr. CASE: I guess I was late for the first lecture.

The CHAIRMAN: I do not want to spank him for two obvious reasons, but let us remind ourselves again that we are to withhold questions until the presentation has been completed. If you care to put a question mark or any other sort of mark on the margin beside that part of the brief I think that it will remind you very nicely.

The WITNESS: If Mr. Case would ask that later I should like to go a little further on that matter.

In practice it is customary for the parties concerned with or without the assistance of the Indian agent to sign a preliminary leasing agreement which the Indian agent submits to the department with any comment or explanation he considers should be made. The Reserves Division reviews the preliminary agreement and if its terms are considered clear and reasonable and if the lessor is the recognized owner of the property to be leased, a formal leasing agreement between his Majesty the King on behalf of the Indian lessor and the lessee is approved and forwarded for the lessee's signature. On its return to the department the lease is executed on behalf of the department and the lease account is then set up in the ledgers of the revenue section of the treasury branch who thereafter, during the term of the lease, arrange for the collection of the rental for payment to the Indian lessor.

There are a large number of leases issued to white persons under this section of the Act and it is questionable whether the resulting encroachment of white tenants on an Indian reserve is desirable. To many Indians it looks like easy money to let a white man do all the work on the Indian's agricultural holding, the Indian collecting a cash rental for what has cost him little or nothing. The rent paid may be presumed not to exceed one-third or even less of the value of what the land will produce and too many Indians seem content, or so it appears, to take one-third without labour on their part rather than three-thirds and do the work themselves. On the other hand the freedom to lease his or her holding granted by this section of the Act may be of great value to an Indian who is physically incapacitated from working his land or to a widow with a family of small children or to elderly Indians who, through leasing to white persons are enabled to insure themselves of a regular annual income.

is the case where an Indian is well able to work his own land but prefers to take a cash rental rather than to do so that presents the administrative problem and the answer may lie in the education and enlightenment of the Indian himself and in the creation in him of a desire to secure for himself the full benefits of his land.

I mentioned previously that, subject only to the discretionary power reserved to the Minister of Mines and Resources, an Indian may lease his holding to anyone and I would like to briefly explain that statement. It may be taken as a general rule that the consent or approval of the Minister to a lease is required by section 50 of the Act is never unreasonably withheld. However, it is a fact that we do refuse consent from time to time and in more frequent cases refuse consent until certain changes are made in the terms of the proposed lease. All refusals are on the grounds that the terms of the proposed lease are not in the best interests of the Indian or the band as a whole. Two outstanding examples of such refusal are: 1. That we will not consent to any lease being executed which provides for subleasing without the consent of the Department and 2, that we do not favour long term leases of say 15 or 20 years which provide for the same annual rental throughout the full term of the lease. It means that we would have little or no control over the type of white person coming on the reserves and it has been found through experience that in the best interest of the Indians generally such control cannot be relaxed. In the second case mentioned we have also found through experience that conditions may so change over a period of as short as five years that the rental value of an Indian's property may greatly increase. If a twenty year lease had been given the Indian would lose the benefit of this increase in value for possibly 10 or 15 years, whereas this is not true under our present policy where we only consent to long term leases when the lease provides for a review of the rental at the end of each five year period the rental for the subsequent five year period to be mutually agreed on at such time between the parties to the lease.

The second type of leasing is that of band land to persons of white status. While the holding of an individual Indian may be leased as outlined previously without a surrender, this does not apply to the common lands of an Indian band and section 50 of the Indian Act provides in part "except in this part otherwise provided no reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown." I propose to discuss this phase of the work a little later on as it involves an explanation of the procedure of "surrender", which leads directly into the main heading "Indian Lands".

The third type of leasing is the leasing of band land without the consent of the band. Section 93, subsection 3, provides;

Whenever any land in a reserve whether held in common or by an individual Indian is uncultivated and the band or individual is unable or neglects to cultivate the same, the Superintendent General (Minister), notwithstanding anything in this Act to the contrary, may, without a surrender, grant a lease of such lands for agricultural or grazing purposes for the benefit of the band or individual, or may employ such persons as may be considered necessary to improve or cultivate such lands during the pleasure of the Superintendent General (Minister), and may authorize and direct the expenditure of so much of the capital funds of the band as may be considered necessary for the improvements of such land, or for the purchase of such stock, machinery, material or labour as may be considered necessary for the cultivation or grazing of the same, and in such case all the proceeds derived from such lands, except a reasonable rent to be paid for any individual holding, shall be placed to the credit of the band.

You will note that this section gives the Minister the right in his discretion to lease unoccupied or uncultivated land without the necessity of securing the consent of the owner, if an individual, or without first obtaining a surrender as provided in section 50 of the Act. As this is a very wide power it is exercised with caution and in practice there is no attempt made on the part of the department to lease land without the consent of the Indians, simply because the land is vacant.

However there are cases where leases are given under the provisions of this section. One example is the case of an individual holding on a reserve where agricultural land is in demand. The Indian owner may have secured ^{in a town or city} ~~at~~ all intents and purposes abandoned for several years. Another Indian may wish to lease it but does not know the whereabouts of the owner or the weeds growing up on the property may be polluting adjacent lands and in either case the department under the provisions of section 93 could lease the property. The lease would be a short term one, so as not to interfere with the use of the land by the Indian owner should he return, and the revenue derived from the leasing would be either forwarded to him, if we had ^{an} address, or funded for him at Ottawa until his return.

In the case of band land, the weed situation might again play a prominent role in bringing about a lease of vacant land. A portion of a reserve adjoining white farms may have been cultivated for some years by an Indian or Indians and then abandoned and allowed to grow up in weeds, to the detriment of the white farms. It might be considered advisable to lease the land to white farmers to keep the weed situation under control and under this section of the Act steps could be taken without the necessity of securing a surrender. A further example might be the case of a band not cultivating portions of its reserve and being favourable to a surrender for lease but unable to give one due to the fact that many of the band members were away from the reserve and that sufficient of them could not be got together to ensure a majority vote of all the voting members of the band as is required by the Act. Rather than leave the land idle it would be possible for the Minister to lease the land under this section until such time as a surrender for lease could be taken.

However, as I stated previously, leases under this section are only given under exceptional circumstances, and then only when the advisability of such action has been carefully considered. The section, while giving the Minister wide discretionary powers, does not permit of the department allowing any general movement of white persons on Indian reserves as the leasing may only be for agricultural or grazing purposes.

The fourth sub-heading in the work of the Reserves Division is the control over residence of persons of white status on Indian reserves and the issuing of permits of occupation. As Indian reserves were set apart for the use of Indians it is obviously the department's duty to see that they so remain. The Indian Act provides under section 34 that no person or Indian other than an Indian of the band shall, without the authority of the Minister, reside or hunt upon, occupy or use any land or marsh belonging to or occupied by such band. In short no one other than a member of the Six Nations Band, to cite a well known band, can reside on the Six Nations Indian Reserve unless with the authority of the Minister. The Indian Act does not state under what circumstances the Minister may give authority for a white person or Indian of another band to reside upon an Indian reserve, and in practice permission has been confined to occupancies of short duration for the most part and customarily is given only after the consent of the band has been secured by a resolution of the council of such band. The circumstances under which permission may be given are varied and I think it will serve the purpose if I cite a few common examples. Permission to hunt on an Indian reserve for a specified period, permission given to a

survey party to enter for surveying a proposed power line or for a proposed widening of a road, permission to a logging company to use the foreshore of a reserve for anchoring booms, permission to traders to trade on an Indian reserve at the time of payment of treaty and annuity moneys. A special case and one that will probably not arise again was occasioned by the housing shortage general over Canada during the war years. Some of the Indian reserves were adjacent to manufacturing towns and cities where the demand for housing exceeded the supply and we received many applications from white persons to temporarily reside on Indian reserves in the vicinity of their work. While generally we would not be in favour of such applications except when the white person was leasing land from an individual Indian for agricultural purposes, due to the unprecedented situation and with the consent of the Indians generally, permits were issued to white persons giving them the right to lease houses from Indians for a one year term. If on the expiration of such term no complaints as to their occupation had been received and the Indians were willing that they should remain, a further permit for one year was issued and so on. If any of the tenants proved undesirable their right to reside on the reserve was cancelled and they were required to go elsewhere. The Pierreville Reserve near Sorel and the Caughnawaga Reserve across the river from Lachine both in the Province of Quebec were the outstanding cases where permits of this nature were issued.

We have also issued permits to white persons on certain reserves to rent cottages from the Indians for the summer season and some Indians particularly in Ontario have augmented their incomes considerably by renting cottages for summer holiday purposes and possibly to tourists.

It must not be assumed that the department is permitting white people to move on to reserves generally. That is definitely not the case and while a certain relaxing of control occurred during the war years when housing conditions were very bad the control will undoubtedly be progressively tightened from now on to keep reserves for Indians.

My fifth sub-heading is the granting of easements and rights of way across Indian reserves. As a general statement it may be said that the Indian reserves must remain intact and that reserve lands in Canada are not subject to spoliation by white neighbours. There are three exceptions to this general statement, however:—

1. The legal process of surrendering as provided by sections 49 and 54 of the Indian Act.

2. The taking of land for public purposes as provided by section 48 of the Indian Act.

3. Enfranchisement under section 110 of the Indian Act.

It is with the second exception that I wish to deal at the moment as it is the only one actually coming under the main heading "Reserve Lands". The other two exceptions will be reviewed further on.

Under section 48 of the Act land on an Indian reserve may be taken without a surrender having been given by the Indian owners.

- (a) for the purpose of any railway, road, public work or work designed for any public utility with the consent of the Governor in Council,
- (b) by any company or municipality or legal authority having statutory powers either Dominion or Provincial for taking or using land or any interest in lands without the consent of the owner with the consent of the Governor in Council and subject to the terms and conditions imposed by such consent.

The Reserves Division is quite frequently required to deal with alienations arising under this section, the commonest example in the past being land

required by the railways of Canada and the most common example to-day being land required for widening and straightening of roads, and rights of way for power transmission lines or for sewer or pipe lines in cases where reserves adjoin towns or cities.

It should not be assumed that under this section land is taken from the Indians without their receiving something in return. The section also provides that adequate compensation must be paid to the band or to the individuals of the band affected. In practice a company, such as the Canadian Pacific Railway, may require a portion of a reserve for purposes of a spur to a main line, for a wye or for a siding and in such cases applies to the department for permission to go on the reserve with a survey party. This permission is always granted and the company are advised to enter into negotiations with the council of the band for band lands affected and with individual Indians for any individual holdings and to present to the department signed agreements made between the Indians concerned and the company as to the compensation to be paid for the land to be alienated. If the company and the Indians cannot agree on the compensation section 48 of the Act provides for arbitration proceedings in a like manner as in ordinary cases outside the reserve, and I may add that at the moment we have an arbitration proceeding under way concerning land taken by the Province of Quebec for the widening of a provincial highway through an Indian reserve.

The sixth sub-heading is survey work on reserves. Any survey work required in connection with Indian reserves is arranged by the Reserves Division through the medium of the Surveys Branch of the Department of Mines and Resources. While the majority of eastern Canada reserves have been surveyed, unfortunately this is not true of the western provinces and British Columbia and particularly in recent years, when the Department is endeavouring to extend the operation of the location ticket system on reserves where it has heretofore not been in force, this lack of internal surveys has been most embarrassing. There are several reasons why internal surveys of reserves have not been carried out, particularly in the prairie provinces and British Columbia.

In the first place the idea of having a recognized unit of land as his own was foreign to the Indian in the early days. While he was principally following the pursuits of trapping and fishing he customarily required only sufficient land for his home, if even that in many cases and it was not until he turned from the pursuits of the field to agriculture that the idea of having his own land meant anything to him. This phase of his development came at a fairly early date in eastern Canada but in the west has been much more recent and has yet to come in many of the more northern and unsettled districts. At the date many of the western reserves were created it was probably considered unnecessary to put through expensive internal surveys, which the Indians themselves did not want and for which no immediate necessity seemed apparent.

The second factor was undoubtedly the cost of the services required for survey work runs high and it was probably not considered advisable to ask Parliament for the thousands of dollars required for this work on Indian reserves, particularly when it was not apparent that there was an urgency in the matter and when many of the Indians did not want their reserves surveyed.

The third factor I have just mentioned, namely the opposition of certain of the Indians to survey work on their reserves. Although this may come as somewhat of a surprise to many of you, there are to-day, and not necessarily in the remote sections of the Dominion, bands that still feel that to allow their land to be surveyed is the first step taken by the Government to deprive them of such land. That such an understanding of the matter is 100 per cent inaccurate you and I know but unfortunately they do not and cannot be convinced in the error of their thinking, and this fact undoubtedly did in the past hold up some internal

surveys. It should not have, when the survey was in the interest of the band as a whole, and in one case in mind in Ontario, where very strong opposition was met last year, surveyors are presently at work despite the protests of the band.

There is no question but that a long range plan of internal survey work should be carried out in the interests of efficient administration and while I cannot state as a fact that any such plan has as yet been formulated, considerable attention has been given to the matter and were it possible to place such a long range plan in effect immediately, we would now have one. It is impossible for the department to properly carry out the provisions of the Indian Act as they relate to location tickets, leases or Indian estates without having accurate surveys of the lands involved, and if these provisions of the Act are to be fully carried out, as they should be and were obviously intended to be, it is absolutely necessary that steps be taken to survey the lands involved. It is also essential that many of the reserves on which there are internal surveys be resurveyed, for the original surveys are so old as to be meaningless on the ground, in that neither the Indian agent nor an Indian can in nine cases out of ten, to-day locate the internal subdivision lines. This is particularly true of many of the reserves in Ontario where the surveys may have been made 50 or 60 years ago and where in many cases the survey was in 200 acre lots, whereas to-day these 200 acre parcels are divided into holdings of various sizes.

It is not considered that much can be done at the present to implement the surveys of reserves for unfortunately the Surveys Branch of our department has not on its staff sufficient surveyors to do more than a small fraction of the work required nor is it possible to-day to secure the services of outside surveyors for they are greatly in demand. Up till 1936, the Department of Indian Affairs had a survey staff among its personnel but following the amalgamation in 1936, creating the Department of Mines and Resources, this staff was incorporated in the present Surveys Branch of the department. The services of this branch are at the disposal of all other branches of our department and up to this year there has only been one field man on the staff whose time has been for the most part confined to surveys on Indian reserves. When survey work is required and the Surveys Branch has not a surveyor available it is necessary to seek the services for surveyors elsewhere and, particularly to-day, this is not easy to do unless you plan well in advance.

It is the feeling of the Indian affairs officials that the loss of the survey personnel in the 1936 amalgamation has not facilitated the work of the reserves section. It is not meant to suggest that we do not receive excellent co-operation from the Surveys Branch. We have always received the utmost assistance when we require it, but having the survey staff with whom you are working in a different building and under a different director is not the same thing as having them in the next office to you. When the survey staff was attached to the former Department of Indian Affairs, a certain amount of the administrative work leading up to actual surveys was handled by this staff who, by reason of the fact that they were working right in the department, knew the administrative problems that were being met from day to day. That is not the case now and in practice the Indian Affairs Branch officials, who are not qualified surveyors, do most of the planning of what shall be done and the Surveys Branch simply arrange for the men to carry out the plan and issue the technical instructions. It has been suggested that if and when a long range plan for necessary survey work is formulated possibly a qualified surveyor might be taken on the staff of the Indian Affairs Branch and serve as a liaison officer between our branch and the Surveys Branch. Such an official could formulate the year's work during the winter months and spend the outdoor season on reserves settling the many small survey problems that arise through transfer of property by deed or through the division of property on the death of the owner.

It is also considered that the necessity of relying on surveyors outside the government service is not conducive to getting the work done without a good deal of delay. If sufficient survey staff within the government service is provided plans for several years in advance can be formulated with the knowledge that the staff will be available to carry out the plans within a prescribed period. It is embarrassing to branch officials to promise the Indians of a reserve that a surveyor will come to their reserve during a certain period to perform badly needed survey work and later on have to advise that the work will have to be postponed for a year as no surveyor can be found available. That happened this summer. Survey work on an Ontario reserve had been planned for and a surveyor expecting his discharge from the army had been engaged to perform the work. His sudden death came at a time when there was no possible chance of securing another man this summer. The survey season in Canada is so short also that unless a fairly large number of surveyors are available, not much can be accomplished in any one year.

We feel that if the work of the Reserve Division is to be carried out to its fullest extent internal surveys must be carried out on many of the reserves presently unsurveyed, and that in order to make these surveys more surveyors should be in the government service and available when needed.

My second main heading is Indian lands and as defined by section 2 of the Indian Act "Indian Lands" means any reserve or portion of a reserve which has been surrendered to the Crown. Before proceeding to any review of the Indian lands work, it is considered essential to discuss the meaning of the term "surrender" which is of major importance in the administration of Indian reserves.

A surrender is simply a release by the Indians of any particular band of their interest in a reserve or part of a reserve to the Crown for such purposes as are permitted under the Indian Act as, for instance, for the sale of the land, for the leasing of the land, for the sale of the timber on the land or for the leasing of the mineral rights thereon.

Where lands comprising part of an Indian reserve are in excess of present or anticipated requirements the band may deem it desirable to convert its surplus lands into cash or to utilize them to secure revenue for the use and benefit of the band. If a band has expressed a wish to surrender property, the wish being usually ascertained by securing an expression of opinion from the council, a formal surrender document is presented to them at an open meeting of all voting members of the band, that is all male members of full age of 21 years, called for the express purpose of considering the question of surrender. To be approved the surrender must have received an affirmative vote from a clear majority of all the voting members of the band and if approved it must be accepted by the Governor in Council before it takes effect. When a surrender has been approved by the Indians and accepted by the Governor in Council, the land surrendered must then be disposed of in accordance with the terms of the surrender itself, the Order in Council accepting it and the provisions of the Indian Act. A surrender is then a release to the Crown by the Indians of their interest and may be either an outright release as, for instance, a surrender for sale or may be a limited release as, for instance a surrender for leasing purposes for a term of 21 years. Under section 50 of the Indian Act no part of a reserve may be sold, alienated or leased until it has been released or surrendered to the Crown and as shown above such release or surrender must be approved by a majority of the voting members of the band. Despite this fact, however, there has been on many occasions an unfortunate tendency to blame the department for either having taken a surrender or having failed to secure one and I would, therefore, like to emphasize the point that, when a surrender has been given, it has been given voluntarily by the Indians and that if a band does not

ish to vote on a surrender, or having voted has refused a surrender, the department has no option but to accept the band's expression of opinion as the final word on the subject at that time.

There has also been a great deal of criticism directed at the department from time to time for allowing so much of the one time Indian reserves to be surrendered and sold. There has been a very definite change in policy with regard to surrenders of Indian reserves and it may be definitely stated that at this date the policy of the department is against further surrenders being given, except in certain unusual circumstances. That this policy was not followed in the past is quite evident from the fact that, without attempting to quote an actual figure, over two million acres of one time reserve lands have been disposed of following surrenders since 1867. Viewed from the standpoint of present day policy, the conversion of unused land into cash, if not short-sighted, in many instances was at least unfortunate, for every effort is being made to interest the Indian in farming and in establishing himself on his reserve on a recognized unit of land and it has been discovered that if such aim is carried out to conclusion on certain reserves ultimately there will not be sufficient land for all. However, it is not altogether fair to criticize the disposal of the land surrendered and sold without considering the reasons for it and the viewpoint that the administration of the early days must have had.

In many instances the area originally set aside for use of a band was extremely large, in fact far larger than was required by the bands. As the district became settled it was only to be expected that the time would come when the best land in the vicinity of the reserve having been taken up for settlement further settlers would look with envious eyes at the good lands in the neighbouring reserve being put to little or no use by the Indians. Ultimately the time came when the Indians and the Department of Indian Affairs were approached with a view to white settlers securing portions of this land. In many cases, and perhaps in the majority of cases, the Indians were quite prepared to surrender parts of their reserve for sale. The department at that date obviously did not see any need for the Indians to have so much land and probably seeing no necessity for retaining land they were not using and preferring to have band funds from which they could expect yearly interest payments, considered it in the Indians' interest to replace unused land with a cash credit at Ottawa which could be used for the general welfare of the band in many ways. It was inevitable that in certain cases the portion surrendered and sold was the very land best suited to the present-day agricultural needs of the Indians and that the portion retained and being used by the Indians at that date should now be of little value to them, when the settlement of the country has forced them to give up their traditional pursuits of hunting and fishing and turn to their reserve lands for a living. The majority of the surrenders in eastern Canada, as might be expected, came at an early date and the western surrenders are much later in point of time and coincide generally with the various land booms that have occurred in western Canada and the development that have resulted in western Canada becoming one of the world's great wheat growing areas.

While there may be reserve lands at this time that are not being used by the Indians, and we know there are such lands for we are continually receiving enquiries from white persons regarding them, as stated previously, it is not generally the policy of the department to consider accepting surrenders of such land for sale. There are circumstances under which the general policy of the branch would not be followed and where, if the Indians were willing to give a surrender, it would probably be accepted. One instance would undoubtedly be where existing reserve land was not being used by a band and was not well suited to any attempt by the department to assist the band in utilizing it. In such a case it might be considered advisable to take a surrender and sell the

land with the object of acquiring additional land more suited to the requirements of the Indians. We have had an example of this in the past years. mentioned previously that in Manitoba 2,080 acres had been secured from the province as an addition to the Chemahawin Indian Reserve, but I purposely avoided any reference then to the fact that this acreage was received on an exchange of land with the provincial government. The Chemahawin Band hold five reserves and one of these, Poplar Point Reserve No. 32F, was situated in the middle of a provincial fur development area and was not easily accessible to the Indians from their other land. It was suggested that an exchange of land might be to the advantage of both the Indians and the province and following negotiations the Indians surrendered the reserve in question containing 446 acres and received on an exchange with the province 2,080 acres adjoining Chemahawin Indian Reserve No. 32B. It is considered that the Indians profited by the exchange.

Other instances where a surrender might be considered would be small relatively unimportant parts of reserves cut off from the main reserve of a band by intervening white land or in the case of British Columbia possibly some of the very small reserves of which there are a great number and which could not by any stretch of the imagination be said to be required in the future development of the Indians of the band in question. There are other cases where a surrender might be given and accepted on the grounds that the intended use after surrender and alienation would be to the general interest of the band as a whole as, for instance, allowing an irrigation company to cross a reserve with an irrigation canal from which the Indians could secure badly needed water. Irrigation projects in general would be of great assistance to various reserves in western Canada and if land was required for such projects it is highly probable it would be given by a surrender of the band with the consent of the Governor in Council. While the policy at the present is against surrenders it must not be assumed that surrenders will not be given and accepted in the future. What is meant is that the advisability of taking a surrender in any particular case is very carefully reviewed by both the field officials and the branch officials from every possible angle and unless it can be clearly seen to be in the interests of the Indians they will not be permitted to surrender the land even though they be willing to do so.

Assuming a surrender to have been given by the Indian owners and accepted by the Governor in Council, what procedure does the department follow in disposing of the land surrendered? If it is a surrender for lease in all probability the reserves service will arrange through the Indian agent for the reserve in question to advertise the property for lease by tender in certain cases or in other cases to simply post notices in the neighbourhood that the land is open for leasing on application to the department. If it is grazing land the lease will be for grazing purposes only, subject to payment of a yearly rental per acre, and if for agricultural purposes in western Canada the lease will be on a crop share basis calling for yearly payment of usually one quarter share of all crops grown on the land. In certain cases where the land is highly desirable and we know there will be keen competition the land may be offered for lease by tender on a one-quarter crop share basis plus a cash bonus per acre. During the term of the leasing surrender if it is a limited one the department's aim is to secure for the Indians the best possible revenue from the land, the said revenue being credited to the revenue account of the band at Ottawa.

It may be of importance to point out to you one advantage that a band may secure through a surrender for lease. On the Muskoday Reserve in Saskatchewan the Indians last year surrendered for lease for a 10-year period only 3,200 acres of good land which they were not using. It was advertised for lease by tender on a quarter crop share plus cash bonus basis and has all been taken up by white farmers residing in the district.

The soil is said to be excellent but as the cost of breaking it was estimated to be high and heavy machinery would be required, there was little expectation of the Indians themselves making use of it. However, as I mentioned previously, the surrender was for 10 years only and therefore at the expiration of such term the Indians of the band will have available for agricultural use 3,200 acres of well cultivated land as well as money in their band funds.

The surrender given may be for the disposal of timber, oils or minerals and this phase of the work of the Reserves Section will be discussed later on under the heading "Timber, Oil and Minerals". Surrenders for sale predominate or at least have in the past and while there is a tendency for the work under this phase to decrease in recent years, it has occasioned the branch officials in the past a great deal of work. As an example of a typical surrender of land for sale we might take almost any one of the western surrenders as, for instance, Beaver Indian Reserve No. 152 in the Province of Alberta which was surrendered for sale by the Indians. Following the acceptance of the surrender by Order in Council, the area was offered for sale by public auction on terms of one-tenth cash down and the balance in nine consecutive annual instalments with interest at 5 per cent and as it is very high class farming land almost the entire reserve was disposed of at the auction. Following the receipt of tenders and their acceptance sale contracts were forwarded to the respective purchasers for signature and when returned and executed by the department the sale accounts were set up in the accounts branch, and during the term of the contract all collections on the sale were made by the Indian agent on advice from the accounts branch. As received at Ottawa from the Indian Agent payments on account of principal were placed to the credit of the capital fund of the band and payments on account of interest to the revenue fund of the band.

As was almost invariably the case in western land sales much of the land which was sold in quarter section units was purchased by persons who were speculating and had no intention of farming themselves, and during the first years after the auction the sale accounts were reviewed very carefully each year with a view to seeing that the proper yearly instalments of principal and interest were paid, and that if they were not paid the reasons for the purchaser's failure to do so were investigated. If he was a farmer and on the land there might be several reasons for his inability to pay and in nearly every case he would be given a chance to make good the following year or at least pay something on account. On the other hand, if it was evident from the agent's report that the purchaser was a speculator and was simply endeavouring to avoid paying more than the cash down payment before he could find a purchaser short shrift was given to him in most cases, and unless he lived up to the terms of his sale contract the department took action to cancel the sale and repossess the land in accordance with the jurisdiction to that end vested in the Minister under section 64 of the Indian Act. Following repossession of such land if a new purchaser could be found the land was usually sold to him without the necessity or readvertising provided the price offered was considered reasonable under the circumstances. If no purchaser was immediately available the agent would be requested to try to find a tenant who would farm the property on a crop share basis, thus ensuring that until a purchaser could be found the land would be earning revenue for the Indian owners. During the period between the signing of the sale contract and payment in full thereunder the property may have been assigned one or more times and in accordance with the provisions of sections 56, 57, 58 and 59 of the Indian Act, the Reserves Division would consider the assignment and, if acceptable, register its particulars in registers kept for that purpose as well as taking steps to see that the change in ownership was entered in the accounts branch.

Following payment in full under a sale contract a purchaser or his assignee is entitled to receive letters patent from the Crown covering the property purchased and this also is the work of the Reserves Division and while not presenting any great difficulty in itself is a sufficiently involved procedure as to require considerable time and attention. Following the issue of the patent it is mailed to the registrar of titles in all provinces where the lands titles system is in effect and to the patentee in all other provinces. During the war years, when farm produce brought an unusually high price and the various war industries offering high wages, a great many purchasers, who had fallen in arrears during the depression years, seized the opportunity to pay out their sale contracts with the result that the work of the Reserves Division staff in connection with issuing letters patent was more than doubled at a time when it was short-handed. Last year alone in the neighbourhood of 250 letters patent were issued.

In some cases portions of reserves surrendered for sale were not of good quality or were undesirably located and were not sold at the auction nor for many years after and these lands presented a considerable amount of work for the branch officials and the Indian agents in that every effort was made to have them earn some revenue by securing tenants on crop share basis or in some cases if the land was only suitable for grazing, at a cash rental per acre. During the war years when the farmer was receiving good prices for his crop many of them seized the opportunity to acquire these inferior parcels of land for pasture or other purposes and we were fortunate enough in many cases to dispose of quarter sections at prices higher than it was ever expected they would bring and for the most part in western Canada we have very little unsold land on our hands at this time. In all cases where an application is received for land which has not previously been sold or which has been under lease for a good many years following cancellation of a sale contract, it is the present practice of the branch to secure an appraisal either from the agent for the district or sometimes, if they are available, from field officials of the Soldier Settlement Board and the offer received is considered in the light of such appraisal and also in the light of the revenue that has been earned by the property while under lease over the preceding years. In many cases the value of the land arrived at by capitalizing the revenue derived over a number of years on a 5 per cent basis exceeds the appraised value and we have always held the view that we will not sell in such cases and that it is in the interest of the band to receive a yearly rental until a fair price for the land is offered.

I do not think there can be much criticism of the manner in which surrendered land has been sold by the department, and although in one or two instances it has been claimed that the prices received were low these allegations were considered unwarranted in the light of appraisal reports that had been made by entirely disinterested appraisers. For the most part I would say that in recent years, at any rate, the department drives a hard bargain and is most insistent that purchasers of land live up to the terms of their contracts and I can assure you that many of our purchasers think so as is shown by correspondence on our files. We are continually being accused of asking more for surrendered Indian reserve land than other land in the vicinity is bringing in on sales.

My third main heading is estates. The administration of the estates of deceased Indians presents one of the most complex features of the work of the Reserves Section and it must be quite frankly admitted that in this phase of the department's work there has been a regrettable absence of administrative action up to quite recent years.

Under the provisions of the Indian Act the Minister of Mines and Resources is given sole jurisdiction over the estates of deceased Indians, and it must be assumed, therefore, that it was the intention of Parliament that the Department of Indian Affairs, and its successor the Department of Mines and Resources,

did actively supervise the administration of estates but little real effort so is apparent from the records prior to 1938, and before going further on the matter I think it is advisable to consider some of the reasons for this lack of effort.

In the first place, this work is necessarily of a legal nature and should, therefore, be carried out by persons with legal training. It is not apparent, however, that prior to 1939 any person with legal qualifications was specifically assigned to this phase of the work alone, and while it is true that at all times the department had a solicitor on the staff his time was to a large extent taken up by the legal problems arising in the work of the department as a whole, and in so far as we can tell it was only in particular cases where some contentious point arose that his services were called on and that he actively concerned himself with estate administration.

In the second place, the administration of earlier years may have considered that it was adequately fulfilling the functions imposed on it by the Indian Act. I do not today consider this to have been the case. Sections 25 to 33 inclusive of the Act are those having to do with the descent of property and generally speaking under the said sections the Minister of Mines and Resources is placed in the same position as a judge of a Surrogate Court in that he and alone may approve the wills of Indians and issue letters probate or letters of administration. It is the contention of the department today that the Indian Act gives the Minister of Mines and Resources far wider powers, however, than any Surrogate Court judge possesses and it is possible, as I mentioned previously, that the administrative officers of earlier years did not have this conception of the powers of the Superintendent General of Indian Affairs.

Twenty years ago if an Indian died and his will was forwarded to the department of Indian Affairs at Ottawa it was the practice for the Deputy Superintendent General of Indian Affairs, or some senior official acting on his behalf, to sign a simple form stating that the last will and testament of the Indian who died on such and such a date had been approved. The agent was then advised that the will had been approved and in a great majority of the cases, in so far as departmental records now show, that was the end of the matter in so far as we now know. In some cases a dispute apparently arose among the heirs as to the division of assets or the proper interpretation of some clause in a will and the Indian agent may have referred the problem to a dispute back to the department. In such cases the estate was then referred to the departmental solicitor who advised the agent on the legal aspects of the problem and usually outlined the proper course to be followed in the administration. In short the department of that day was actually functioning in a very similar manner as does the provincial court having jurisdiction over testamentary matters in that the executor was given the carriage of the administration and more or less left to his own devices as to how he should proceed. If he were uncertain on any point of law he could come to the department for assistance.

It is our opinion today that the Indian Act was never intended to limit the jurisdiction of the Minister and the department to this extent and that it is essential to the proper administration of estates that he should have wider powers and that the department should, when it is considered necessary and advisable, actively supervise and direct the course of administration of an estate. It is difficult to see how it can be stated that the Minister is confined solely to approving wills and issuing letters of administration or probate when there are such sections in the Act as section 25, subsection 3, where the Minister is to sell land devised to a white person and pay the beneficiary in cash; section 28, where the Minister is authorized to make such general regulations and orders in particular cases as he considers necessary to secure the satisfactory administration of estates; and section 32, subsection 2, which gives him very wide powers

in determining how distribution of assets is to be made. No court in Canada has such wide powers with regard to estates of white persons as those above mentioned and it must, therefore, have been the intention of Parliament to give the Minister of Mines and Resources much closer supervision over estates.

I regret if I have been over lengthy in the foregoing but before actually discussing the estate problem as we are faced with it at the department to-day I wish to make it quite clear that the department has not always had the same concept of its duty in this connection, or if it has, that the carrying out of the duty is now radically different to what it was some years previous.

The administration of estates is as previously stated carried out in accordance with the provisions of sections 25 to 33 inclusive of the Indian Act and I propose to outline briefly to you how we handle the typical estate. As soon as possible after the death of an Indian the agent for the reserve in question is expected to make enquiry as to whether there is a will in existence and if there is one to secure it and take steps to have completed our departmental form of application for probate or administration, a copy of which is attached hereto as Appendix "Q". As you will note the form when completed provides a concise record of the date of death, heirs, assets and debts together with an affidavit as to the date of death and an affidavit of execution of the will if there is one. This departmental form together with the original will is then forwarded to the department by the agent with such comments as to the assets, heirs or debts that he feels may be of assistance to the department together, in certain cases, with suggestions as to the course the administration might best pursue. Letters probate or letters of administration, as the case may be, are then issued and returned to the agent with the department's comments as to how the executor or administrator should proceed to the payment of debts and distribution of assets.

In the simple case we may merely advise that, as everything appears in order, on payment of debts the assets may be turned over to the heirs in accordance with the terms of the will or if it is a case of intestacy advise who are the heirs and what are their respective interests. If the assets are difficult of division we may suggest to the executor or administrator how we consider a proper division can be made or suggest that the heirs be consulted and a plan for distribution be submitted to us for consideration and approval. In short, we do not, as would the provincial courts, simply place the carriage of the administration in the hands of an executor or administrator and do nothing further unless direction on a certain point is requested. We enter the picture at the very start and, in fact, the Indian agent in most cases enters it before the executor or administrator is appointed by making comments or suggestions in the first letter referring the estate to the department. This is encouraged for while branch officials have a wide experience in estates in general the Indian agent in question knows the people and the property and is in a better position than anyone else to comment on the particular circumstances of each estate.

It may properly be asked why we do not allow the executor or administrator to have the complete carriage of the administration in the same manner as would an executor or administrator of an estate of a white person. If we did this it is submitted that there would be few cases where it would be properly done and that in the long run the department would be called upon to step in and untangle estates which in the beginning, with proper supervision, would have presented no distribution problem. I venture to say that few or any of you gentlemen, other than those of you who are lawyers, would undertake the duties of executor to an estate without securing legal advice as to the steps to be taken and in practice placing a great deal of the actual detail of the administration in the hands of your legal adviser. If gentlemen of your position and experience are hesitant to act on your own how much less chance has the average Indian to successfully administer an estate lacking as he does your education and business

erience. There are Indians who have admirably carried out the duties of an executor or administrator and who, if they were reappointed to other estates tomorrow, would be given almost a free hand but they are the exception rather than the rule and the average Indian is not fitted to carry out the obligations of an executor without close supervision nor will he seek legal advice as to how he should act. I cannot off-hand recall a single estate in my experience where an Indian executor or administrator has consulted a solicitor for advice. In practice, therefore, it has been found almost essential that the department actively superintend the administration of estates.

The present administration has more and more frequently in the past two or three years received complaints over the delay in dealing promptly with estates referred to the department and I think that our position and the main reasons for the delay should be clearly set out.

In the first place it is a rare occasion when we can deal with any estate recently referred to us without the necessity of securing information with regard to other estates. As I mentioned previously little emphasis was placed on estate administration in years gone by with the result that many of the Indian agents took the line of least resistance and either settled the estates themselves or left the entire matter to those concerned. It was only in certain agencies—largely in Ontario—that the agents made any real effort to refer estates to the department, and even then for the most part the department merely approved the will suggested how distribution should be made in the case of an intestacy and made no effort to follow up and see that the estate was properly administered and the assets distributed. Many of our estate files merely disclose only that a man died and that his will was approved and contain no record of his assets or what disposition was made of them. It is a fact that in certain agencies more estates have been referred to the department in the past seven years than in the entire period before that date.

When an estate is referred to us including land in its assets one of the first steps is to check the ownership of the deceased and as often as not that is where the delay and trouble commences. If the deceased lived on a reserve where the location ticket system, as we call it, is in effect it is an easy matter to check the title, but in many cases we find that the land claimed as the deceased's may be registered in the name of his father or brother or even some one not a relative. We then try to find in our records the estate of the father or brother or a deed from the person in whose name the location ticket stands, but in far too many cases there is no record and it is then necessary to write the Indian agent and endeavour to have him supply the missing details or documents. It is not at all uncommon for the branch to secure particulars on several unadministered estates before we can verify to our satisfaction that the deceased Indian, whose estate is before us, is actually the owner.

It may be said, why do you go to all that trouble when no one has ever questioned the deceased's right to the property? There are two answers to that, the first that if we are to serve the function of a registry office for Indian titles, as contemplated by the Indian Act, we cannot record anyone as the owner of land without satisfying ourselves that he is entitled to ownership. The second is that it is our duty to see that those entitled to property under an estate get it and we know from experience that in many cases this has not followed as a matter of course. It is rather a strange feature of many of the old estates, which we open up at this date, that an Indian entitled to a share of property, and knowing that he was so entitled, did nothing to secure it and allowed it to be used and held for years by someone not entitled there to. In certain cases it was obviously indifference and in others it arose through the absence of the heir from the reserve and the fact that on his return the person in possession would not give it up. Invariably when we come into the picture at this date any

heir who considers he did not receive his full share immediately makes claim to it. You will appreciate the tangle that we often uncover and must straighten out before we can proceed.

The second main reason for delay is undoubtedly shortage of staff both in the field and at Ottawa. When increased attention was given to estates in 1938 the volume of estate work being referred to the department was not large. However, the increased attention inevitably meant an increase in the volume of work coming in and in no time at all it had assumed alarming proportions. To offset this an officer with legal training was added to the Reserves staff and placed on estates work alone, and had matters remained as they then were some at least of the present delay would have been avoided. However, the war commencing shortly thereafter brought increased work to the division and this coupled with the retirement within a two year period of the three senior officials under the Superintendent of Reserves and Trusts meant that the work of the division had to be reallocated among a depleted staff and that everyone was asked to assume additional duties. That situation prevailed up to the end of the war for although some additions were made to the staff it was not possible to secure adequate staff replacements. The increased attention being given to estates work therefore suffered a set back early in the war years but unfortunately before that happened we had impressed on the Indian agents the necessity of referring all estates to the department and at the very time we were least in a position to handle it the estate correspondence doubled and tripled. Furthermore, many of the Indians became aware that there was some attention being given to estate matters and commenced a steady flow of correspondence on grievances many years old involving for the most part unadministered estates. I regret that I have been overly lengthy in pointing out the reason for the delay at Ottawa but I wish to impress upon you that under the circumstances prevailing we did the best that we could, and little as that may have been in terms of volume it meant overtime work in many cases.

There is also delay in the field due to the Indian agent being asked to do more than any one man can accomplish. An agent's work does not finish when he secures the particulars of an estate, has our departmental form completed and forwards it to the department. He is quite apt to receive a reply asking him to uncover particulars with regard to old estates or ascertain what division was made of a piece of land years before. Then it is considered advisable in many cases to appoint him administrator of the estate of an Indian who has died intestate and he then must concern himself with various administrative problems. In many cases also he is asked to measure land, appraise farm property and perform many other functions to do with estates and the lands involved. In the meantime he has all his regular agency duties to perform and is probably being asked to do certain things almost daily by other sections of our branch. Is it any wonder that there is often delay in the field, when the only assistance many of the agents get is from a stenographer and often a part time one at that.

It may well be asked what steps are being taken or should be taken to remedy the undesirable situation prevailing. At Ottawa we have within the past few months added a junior departmental solicitor to the staff, a principal clerk who has had years of experience in one of the field offices and a junior clerk. We have also for the first time during the war years adequate stenographic help. Whether these additions will result in the estates work being brought up to date in the near future is questionable as it is too early as yet to get a clear picture of the matter. I think I am in a position to definitely state that should more assistance be needed on the estates work it will be provided as the department is most anxious that this phase of the work be implemented and prove of real benefit to the Indians.

I am not in a position to state whether additional field staff will be provided but it is the opinion of the Reserves Division that unless it is forthcoming

any increase in the volume of work handled at Ottawa will only add further to the work of the already overburdened field staff.

I believe that while the Indian Commissioner for British Columbia was before you the suggestion was made that an official might be added to his staff to handle a great deal of the estates work for British Columbia, and I understand in a similar manner as do examiners of inheritance in the United States Indian service. We are not familiar with the work of these examiners of inheritance but if the system has proved successful in the United States it might well be considered for application in Canada. I can see some obvious difficulties in divorcing the estates work in British Columbia from Ottawa but on the other hand can see certain definite advantages and it is perhaps possible to work out a procedure which could be given a fair trial.

If I have said very little up to now with regard to the actual detail of the administration of estates it is because this is carried out in accordance with the provisions of Sections 25 to 33 of the Indian Act and follows the act quite closely. It sometimes seems to me that I never see two estates which have exactly the same circumstances and if that is a fairly accurate statement it is obviously impossible for me to attempt to cover every point that may arise in the course of administration and I have endeavoured therefore to confine myself to outlining some of the reasons for delay in dealing with estates matters. I assume that if there is any particular phase of the estates work on which you desire more detailed information you will ask questions with regard to it. I might add to that that a certain amount of delay has also been occasioned by, we shall say, an increase in the assets of the average Indian estate. Before the war the average estate might consist of a small parcel of land, a few chattels, farm implements and live stock, but since the war years there are war savings certificates, registered bonds, cash in the bank and various other things which the department must handle. We have to have their war savings certificates redeemed. We have to have the bond registration changed, and in some cases complete succession duty forms before the bank will release the funds in the bank. We have to perform a good many functions that we did not normally do before the war years.

My fourth main heading is "Location Tickets". The term "location ticket" is not defined in the Indian Act but is in fact documentary evidence that the Indian named therein has been recognized by the council of his band and the department as entitled to possession of a particular part of his reserve to the exclusion of all other members of his band. The term "certificate of ownership" or "certificate of possession" might just as readily have been used and I believe it is the intention of the department to suggest the term "certificate to possession" be used in the Act in place of "location ticket" as being more expressive of the actual rights covered thereby.

The system adopted to enable an Indian to have a recognized unit of his reserve for such purposes as he wishes to make of it is provided under sections 21 to 24 inclusive of the Indian Act, and their application will be more readily understandable if we take as an example a new reserve acquired for a band of Indians. If such a reserve had been acquired and surveyed into lots of say 100 acres each, in order for any Indian to lawfully enter and live on a lot he would first have to be located thereto by the council of his band or the band itself. In practice he would make application to the council for whatever lot he had picked out, and if the council consents to his having that lot it passes a resolution recommending that the Minister of Mines and Resources approve the allotment and issue a location ticket to the Indian as provided by section 22 of the Act. If the location as aforesaid is approved by the department, as it usually is, the location ticket is then issued in triplicate, one copy being retained at the department, one copy going to the agency office and the third copy being handed to the Indian "locatee" as he is called. As the actual

location ticket is different from any other document of its sort that I have seen I have deemed it advisable to attach a copy hereto as Appendix R.

Now that we have the Indian located to a specific parcel of land we can stop and consider what benefits he has derived from such location. Under the Indian Act while an Indian can and does by location as aforesaid get the physical control and the exclusive right to occupy a parcel of land the actual title to the land does not pass to him, remaining at all times in the Crown in trust for the band to which the Indian belongs. His title is therefore something less than full title and is often spoken of as a "possessory title".

He can use the land or not use it as he wishes and can will it or in the event that he dies intestate it will devolve upon his heirs. He can lease it to another Indian or to a white person under the provisions of section 50 of the Act, which we have previously discussed, and may transfer or sell it to another Indian of the same band with the consent of the Minister as provided by section 23 of the Act. He cannot, however, transfer the actual possession of it to anyone who is not a member of his band, although there is nothing in the Act to prevent him from willing it to an Indian of another band or to a person of white status. Section 25, subsection 3, of the Act, specifically covers this contingency however and provides that in such cases the land shall be sold to a band member or to the band, the sale proceeds going to the devisee.

It has been found that there are certain inherent weaknesses in the location ticket system. The first is the tendency to split up an original allotment of land which started with a logical economic unit of, say, 100 acres, or a quarter section, into smaller units. This frequently occurs by the natural laws of inheritance. An individual who started with 100 acres as his personal allotment dies leaving, for example, four sons. The easy and natural method of distribution is by partition so that each son gets 25 acres of land and a distributive share of the personal property and equipment, etc. That is not bad and the families of the four sons may be adequately housed and supported on it. But as time passes a further partition may occur, and in another generation a third. It can be seen that if partition is used as the most convenient instrument of estates distribution the economic unit is so broken up as to be useless. This constitutes a definite administration problem.

Partition beyond a certain limit must be disallowed if any of the virtue and advantage of the system is to be preserved and in practice we have been able to partially prevent this although it is difficult to determine where to approve or disapprove a partition. Under the wide powers vested in the Minister under section 32 of the Indian Act we have refused to permit partitioning of estates in certain cases and have also done so during a locatee's lifetime by refusing to permit transfers, as the Minister has the right to do under section 23 of the Act.

The second weakness in the system is the tendency of the more alert and aggressive individuals or families (and some times the more clever and unscrupulous ones) to acquire by purchase or influence the allotments of less progressive individuals or of the common lands until too great a proportion of the reserve lands are owned and controlled by one individual or family group. A case in point arose some years ago where one influential band member had acquired in himself 250 acres. He had many sons and had already applied for a substantial allotment from the unallotted lands of the band for his eldest, and secured a band resolution supporting it. If he does equally well for his remaining sons his family group may have full ownership and control of 500 or 600 acres of high-class agricultural land on a reserve where the pro rata apportionment of arable land would not exceed 50 acres per family. In such a case it is urged that the father's lands, surplus to his requirements, should provide allotments for his sons before the common lands of the band are made available, and departmental consent to the action of the council might in the illustrative case properly be withheld. It is doubtful if a wise and capable agent, who by

law must be present at all band meetings, would have allowed such a situation to have arisen which can only be embarrassing to the administration. It is a situation which will have to be met with firmness, but at the same time preserving as far as possible the authority of the band council to manage its own affairs. This particular evil of the "allotment" system is potential rather than actual, and there is, as a matter of fact, little of it as yet on the Canadian reserves.

The third weakness I mentioned previously, namely, the possibility of an Indian securing a location ticket to land and then preferring to lease it to a white man rather than use it to its full advantage himself.

The location ticket system is actually in operation on only thirty-nine reserves across Canada—four in Quebec, twenty-three in Ontario, one in Manitoba, three in Saskatchewan, and seven in British Columbia. One of the chief reasons why it has not been extended to more reserves has already been mentioned, the lack of internal surveys but why it was not placed in effect on all the eastern reserves—the majority of which were surveyed years ago—is not altogether clear to me, unless it was the opposition encountered from the Indians. The actual basis for their opposition has always been somewhat of a mystery to me and perhaps Mr. Lickers could explain it for the Six Nations Band bitterly opposed the inauguration of the location ticket system on its reserve some two or three years ago. The branch went ahead with the matter, however, as we consider we cannot efficiently carry out the functions required of us under the Act generally unless the location ticket system is extended to all reserves.

It is obvious that a great deal of work will be required in introducing the system on other reserves in Canada and it is anticipated that eventually additional staff for that work alone will be required with the ultimate aim of having a registry system showing the ownership of all individually held parcels on Indian reserves across Canada.

The fifth main heading is Timber, Oil and Mining.

Section 76 of the Indian Act provides that the Minister may grant licences to cut trees on reserves or on ungranted Indian lands at such rates and subject to such conditions, regulations and restrictions as are from time to time established by the Governor in Council and that such conditions, regulations and restrictions shall be adapted to the locality in which such reserves or lands are situated.

There are two sets of regulations governing the disposal of timber at the present time, the regulations for British Columbia which were adopted by Order in Council in 1921 and the regulations covering the rest of Canada, adopted by Order in Council in 1923. Copies of these regulations are attached hereto as Appendices S and T and both sets of regulations require that timber on Indian reserves be released or surrendered before sale in accordance with the provisions of the Indian Act, and that following a release the timber must be sold by public auction or by tender following a cruise and valuation. We have no timber cruiser immediately attached to the branch and if timber on a certain reserve is in demand and has not previously been cruised it is customary to seek special authority from the Governor in Council to sell the timber without a cruise at a price per thousand feet or per cord.

It has been estimated roughly that of the 5,500,000 acres of Indian reserve land in Canada approximately 2,500,000 are forest land and it may well be asked what is the department's policy with regard to this timber. The answer is definitely to manage it for the Indians in such a manner and to such purpose that by judicious cutting and possible reforestation it will be conserved as a source of long term revenue to the Indian owners and a long term source of supply to the Dominion. It is perhaps doubtful whether the amount of timber cut on Indian reserves since Confederation could be said to have been disposed of with that object in mind, but certainly there has not been the wastage of the

timber resources on reserves that there has been in other parts of the Dominion, probably for the reason that until fairly recent years timber operators, for the most part, paid little attention to the timber on Indian reserves due to the vast amount of timber that was available elsewhere.

It is not true to say that we have done our utmost to conserve the timber resources and that cutting on reserves under licences has always been carried out with the object of taking only timber of merchantable size and leaving the young growth untouched. There are certain timber areas where this policy is in effect at the present time and it is probable that it will be enforced more and more in future operations.

It is only on very rare occasions that the department approaches a band and suggests to the Indians that they surrender their timber resources in order that the department may look around and find a buyer. Rather it is the buyer that comes to the department and makes the first suggestion and if it is considered advisable under the circumstances to permit the timber to be sold, and it has not previously been surrendered, the question of surrender is placed before the band and if they are agreeable a formal surrender is taken.

A surrender having been given, the timber is then publicly advertised for sale by tender in accordance with the timber regulations and the successful tenderer is granted a licence to enter on the reserve and cut, subject to terms as to the amount of timber and kind that is to be removed and the dues that are to be paid. The operator is required to pay dues on the stumpage value of the timber cut and these dues payable as they are on a capital asset of the band are funded to the credit of the capital account of the band at Ottawa.

I mentioned previously that timber on an Indian reserve must be surrendered before being sold, and while this is absolutely correct when white operators are purchasing under licences it is not true as applied to a member of the band owning the reserve in question. In accordance with section 15 of the timber regulations, with the consent of the council of the band and the Minister, an Indian may be given a permit to cut timber for sale on his reserve subject to payment of timber dues at the rates prevailing in the district for the type of timber cut. It may well be asked why an Indian should pay dues on timber cut from his own reserve or from a parcel of land which has been allotted to him by the band with the approval of the department in accordance with the provisions of the Indian Act, and the answer is simply this: that timber is a capital asset of the band as a whole and as such no individual may benefit from its sale to the exclusion of the other members of the band and to unborn band members. While, therefore, an individual may be permitted to sell timber from his reserve the value of the standing timber as a band asset must be replaced, when the timber is cut, by a cash credit in the capital funds of the band, the cash credit being represented by the stumpage dues.

There are four exceptions to the general statement that timber may not be cut for sale without a surrender or without payment of dues. Section 50 of the Indian Act provides that the Minister may, without a surrender having been given, dispose to the best advantage in the interests of the Indians of wild grass and dead or fallen timber. The second and third exceptions are provided by section 119 of the Indian Act—subsections B and C. Subsection B provides that an Indian may cut trees for the immediate use of his family, which has been interpreted to mean for fuel purposes and subsection C gives him the right with the consent of the council and the minister to cut or use pine or large timber for building of his own location or farm. Fourthly, under the regulations, as a measurement of relief, the Minister may waive collection of dues on timber cut by an Indian on his reserve.

While up to this date no mining of any importance has been done on Indian reserves and no oil-well has been brought in on a reserve a considerable revenue has been derived from prospecting licenses and leases and there is some

possibility that in the future oil in commercial quantities may be found on reserves in Alberta.

As set out in section 50, subsection 2 of the Indian Act, the right to prospect for oil or natural gas on Indian reserves may only be given after a surrender of the land in question by the Indian band concerned. After a surrender has been given and accepted by the Governor in Council, the disposal of oil or gas rights is covered by the regulations adopted by Order in Council in 1944, in accordance with jurisdiction given by section 50, subsection 2, a copy of which is attached hereto as Appendix "V".

The regulations are based on and closely follow regulations in effect in the province of Alberta and provide in the first instance for giving of a permit to prospect for oil or gas. The area to be covered by any one permit is limited to 10,240 acres although there is actually no limit to the number of permits that any one company may hold. The permit allows the company to prospect for a period of one year on payment of a rental of 10 cents per acre and at the end of such year if the work has been proceeded with but not completed, a six months extension at the same rental may be granted.

At the termination of the permit term—twelve to eighteen months as the case may be, the permittee has a right to take up one-half the area under permit on a lease—the lease to run for a twenty-one year period at a rental of 50 cents per acre for the first year and \$1.00 per acre yearly thereafter. The regulations further provide that during the term of the permit and the first two years of the lease expenditures for work done by the permittee may be set off against the rental owing. As mentioned previously there is no producing oil-well on any Indian reserve but should a well be brought in the regulations provide for payment of royalty in addition to the rental. The royalty is to be collected on a sliding scale based on production, the range being from 5 per cent to 15 per cent, with the lessee having the option of electing to pay a flat rate of 12½ per cent on all production. The regulations also provide that in accordance with part B of subsection two of section 50 of the Indian Act the lessee may secure a lease of the surface rights at the well-site at a rental of \$1.00 per acre per year.

As I mentioned previously, there is no production of oil on an Indian reserve but there is some natural gas production on one reserve—the Six Nations Indian Reserve. The gas on this reserve is produced under a lease given in 1925 for a term of 20 years and such longer period as production is maintained, the royalty paid being at the rate of \$50 for each 100,000 cubic feet of gas per day in open flow.

It is necessary to discuss the mining of minerals under three geographical headings: The Province of Ontario, the Province of British Columbia and the rest of Canada.

(a) *Ontario*.—Following a period of dispute and litigation in 1924, the Dominion Government and the Province of Ontario agreed that following surrender by the Indians minerals, including precious metals on any reserve, might be disposed of by the Dominion on the basis of one-half of the rental and royalty being paid to the province, excepting in the area of the Northwest Angle Treaty made in 1873, the method of staking the claims in Ontario to apply equally to Indian reserves subject to any conflicting provisions of the Indian Act. Regulations governing the staking of mining claims on Indian reserves were adopted by the Governor in Council in 1938 and a copy of the regulations is attached hereto as Appendix "V".

These regulations provide that a permit to prospect may be issued to a holder of a provincial mining licence and that, except as otherwise declared by the Minister of Mines and Resources, the regulations governing staking in force in the province shall apply. The regulations provide no rent for the first two years, and thereafter 50 cents per acre per year. On completion of 200 days of assessment work the claim owner may apply for a mining lease

for a term of 21 years, renewable, and under the said lease royalty is payable on a sliding scale ranging from 3 per cent to 10 per cent of the annual profits. That there is little mining in Ontario on reserves is evidenced by the fact that in the last two years only \$360 has been collected as rental. There is no production of mineral ore on any Indian reserve in Canada.

(b) *British Columbia*.—Mining in British Columbia is governed by the British Columbia Indian Reserves Mineral Resources Act of 1943 which confirmed an arrangement reached with the province by the Dominion Government. This arrangement gave to the province the administration of all mining on Indian reserves in British Columbia following the surrender by the Indians of mineral rights. It provides that one-half of the revenue—rental, royalty and fees, shall be remitted to the Dominion for the benefit of the Indians concerned. No revenue has been received on this arrangement to date.

(c) *Other Provinces*.—There are no mining claims in other provinces in Canada on Indian reserves, but if there were they would come under the quartz mining regulations of 1938, a copy of which is attached hereto. All revenue derived therefrom would go directly to the Indians concerned as no arrangement as to division of ownership or revenue has been reached with these other provinces.

The sixth and seventh main headings are enfranchisement and band membership. Both of these phases of the work of the Reserves Division are carried out under the direct supervision of Mr. McCrimmon, the chief of the division, and as he will shortly be available to outline to you the department's policy and action, I do not propose to anticipate his brief by making any comment at this time.

The CHAIRMAN: I think we all appreciate very much the form of this brief. We will not dismiss Mr. Brown at the present time. Probably members of the committee will prepare their questions preferably in the order in which the brief is outlined.

Mr. MacNICOL: That is right.

The CHAIRMAN: And if we can arrange a meeting for next Tuesday we will have Mr. Brown back then.

Mr. CASTLEDEN: On page 48 you mention \$50 and you talk about 100,000 cubic feet of gas per day. Does that \$50 cover a year?

Mr. MacNICOL: I suggest we leave all these questions.

Mr. CASTLEDEN: The phraseology makes it difficult to understand what you mean. We can leave that as a notice of question.

The WITNESS: I think it would be better.

The CHAIRMAN: \$50 for every thousand.

Mr. CASTLEDEN: 100,000 cubic feet of gas per day in open flow.

Mr. MacNICOL: It refers to the Six Nations Indians reserve, where the gas is flowing all the time.

Mr. CASTLEDEN: I was wondering if the \$50 was per year.

Mr. MATTHEWS: I move we adjourn.

The CHAIRMAN: It will not be necessary for the departmental officials to be here on Thursday. It is a meeting at which we will discuss our procedure for the coming months. I would ask you to bring up on Thursday anything that you may have in mind as to the best means of facilitating the work of the committee. If there is nothing more we will now adjourn.

The committee adjourned at 1 o'clock p.m. to meet again at the call of the chair.

APPENDIX

CANADA

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

APPLICATION

FOR

ADMINISTRATION OR PROBATE

ESTATE OF.....

BAND No.....

THE.....BAND OF INDIANS

Indian Agent for.....
Indian Reserve do hereby certify that by reason of education, business capacity, personal integrity, the above applicant is a fit and proper person to fulfil duties of an administrator. Omit if the applicant is the Indian Agent.

Indian Agent

ters

ed to.....

ed

APPLICATION FOR ADMINISTRATION, OR PROBATE

the Minister of Mines and Resources:

THE MATTER OF THE ESTATE OF.....deceased Insert name of
petition of.....(a) deceased
he.....Indian Reserve, in the Province (b) applicant (c) reserve
sheweth:

1. That
.....Band No.....of the.....
of Indians, died on or about the.....day of.....
19....at.....Indian Reserve, on which
.....had.....fixed place of abode.

2. (a) That the deceased left no Will Strike out inapplicable section.
or (b) That the deceased left a Will dated the.....day of.....
19....naming.....as executor.
or (c) That the deceased left a Will dated the.....day of.....
19.... but appointed no executor.

3. That the deceased left ^{him} surviving the following next of kin and hei
_{her} at law:

Name	Relationship (to deceased)	Age
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr
.....	Yr

4. That your petitioner claims to be entitled to administration as.....
.....
(Executor named in will—Widow—Son—Daughter—Indian Agent, etc.)

5. That an inventory of the Real and Personal property and effects of the deceased as presently ascertainable are as herein listed, as follows:

Best possible description. Location Ticket number if any.

LAND INTERESTS:
CHATEL INTERESTS:
PERSONAL EFFECTS:

6. That the debts of the deceased chargeable to the estate and including testamentary and funeral expenses, as presently ascertainable, are as listed herein viz.:—

And your Petitioner prays that (a) Letters of Administration (b) Letter Probate, or (c) Administration with Will annexed, of the estate of the said deceased be granted and committed to this applicant.

.....
Signature of Applicant

To be completed by any one who has the required information.

IN THE MATTER OF THE ESTATE OF.....deceased
I.....of.....Indian Reserve No.....
make oath and say that I knew.....late o
the.....Indian Reserve No.....deceased
That the said deceased died on or about the.....day of.....

atand that the said deceased
time of his death had his fixed place of abode at.....

before me at.....in the }
of..... }
day of..... }

Indian Agent or Notary, etc.

.....of.....in the Province To be signed
.....by one
.....(occupation) of the
th and say: witnesses.

at I knew.....late of.....
reside, deceased.

at on or about the.....day of.....A.D.....
personally present and did see the paper writing hereto annexed marked
by.....as the same now appears
for his last Will and Testament and that the same was so signed by
.....in the presence of me and of
.....who were both present at the same time,
the said.....and I did at the request
d.....and in his presence
subscribe the said Will.

ore me at.....in the }
of..... }
day of..... }

Indian Agent or Notary, etc.

.....of.....in the Province Strike out
.....inapplicable
.....(occupation) portions.

(and say:

I am of the full age of Twenty-one years.

That I am the sole executor or one of the executors of the Will or

That I am the applicant for Letters of Administration of the said....

.....deceased.

I do solemnly promise and swear that I will faithfully administer the
the said deceased by paying his just debts and legacies so far as the
hereto extend and the law bind me and by distributing the residue
law and the terms of the Will (if any) and that I will exhibit under
and perfect inventory of all the property of the said deceased and
t and true account of its administration when lawfully required.

e me at.....in the }
day of..... }
Applicant

n Agent or Notary, etc.

APPENDIX R

INDIAN LOCATION TICKET

ISSUED UNDER SECTION

INDIAN ACT

TRIPPLICATE FOR DEPARTMENT

Be it Known by these Presents that

Indian R

of the

in the

in the

in the Province of

and Dominion of Canada, being a member of the

having been allotted by the Band owning the Reserve, with the approval of the Minister of Mines and Resources,

on the aforesaid Reserve, containing by admeasurement

acres of land, more or less, is

located for the same, under the provisions of Sections 21, 22 and 23, Indian Act, Chap. 98, Revised Statutes of Canada, 1927.

Given under my Hand and Seal at Ottawa, this

day of

in the year of Our

one thousand nine hundred and

Director of Indian Affairs

APPENDIX S

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

Regulations Governing the disposal of Timber on Indian Reserves
Province of British Columbia, established under the provisions of
76 of Indian Act, by Order of His Excellency in Council, dated
day of May, 1921,

1. No timber on Indian Reserves shall be disposed of until a Survey thereof has been obtained from the Indians in accordance with the provisions of the Indian Act.

2. The timber covered by such Surrender shall be cruised and valued, the boundaries thereof established in such manner as may be directed by the Minister of Mines and Resources, and such cruise and valuation shall be in the Indian Affairs Branch of the Department of Mines and Resources.

The berth or timber limit thus cruised shall be offered for sale by public and the advertisement of sale shall specify the approximate quantity on the limit without in any way giving a guarantee that such quantity be produced should the limit be properly worked. Such advertisement further specify the period of time that will be allowed in which the of the merchantable timber shall be cut and removed. Provided, that should the value of such timber not exceed the sum of the Minister may dispose of the timber to the best advantage in the of the Indians, without public advertisement.

Every offer to purchase a licence, which shall be in the form as shown section No. 18 hereunder, to cut and remove timber from an Indian under these regulations, shall include an offer by and on the part of the tenderer or tenderer to pay to the Indian Affairs Branch of the Department of the Interior and Resources:—

An annual rental at the rate of twenty cents (20c.) per acre.

Licence fee of fifty dollars (\$50).

The royalty for each class or kind of timber at the rate shown under section No. 6 hereunder.

Such upset price as the department may establish for the sale in question, payable either as a lump sum before the issue of the licence or as stumpage per thousand feet board measure or per cord or per lineal foot as the case may be.

Such further price in addition to the upset price as the tenderer is prepared to pay.

Each tender must be accompanied by an accepted cheque on any Canadian bank covering the following items:—

Rental for one year.

Licence fee.

Deposit of ten per cent (10%) of the stumpage price and royalty tendered as applied to the total estimated quantity of timber on the limit.

The cheque will be dealt with in the following manner:—

Returned forthwith if the tender is not accepted.

Held in trust to be returned upon the satisfactory completion of the undertaking.

Forfeited to the department if the undertaking is not completed to the satisfaction of the Minister of Mines and Resources.

Royalties to be paid on timber cut from Indian reserves under licence as follows:—

\$1 per thousand feet board measure on all timber suitable for saw-logs, boom-sticks, etc., scaled under the British Columbia log rule.

15 cents per cord of 128 cubic feet on all timber suitable for shingle bolts, pulpwood, cordwood or other wood goods customarily measured by the cord.

5 cents per lineal foot on all timber suitable for piling, poles and spars.

1 cent per tie and 3 cents per post.

The stumpage and royalty on timber cut under authority of each licence charged upon the quantities, grades and kinds of timber as certified by a qualified scaler and all fees for such scaling shall be paid by the

Provided: that in cases where such timber is not scaled until its removal at the mill, the licensee shall furnish a statement in the form of affidavit showing the number of pieces and kinds of timber and the approximate measure thereof composing any raft, boom or crib before such timber was removed from the Indian Reserve.

Provided also: that when it is shown to the satisfaction of the Minister that the services of a licensed scaler cannot be obtained by the licensee, a person in charge of his lumbering operation, the department may appoint an unlicensed person as an acting-scaler temporarily, until the services of a qualified scaler are available for the purpose. All losses sustained during the towage or conveyance of logs or timber from the point of cutting to the point of scaling shall be borne by the licensee.

8. A licensee shall be required to pay an original licence fee of fifty dollars (\$50) and if he has complied with the existing regulations he shall be entitled to have his licence renewed upon application to the Minister, and for each renewal there shall be paid a fee of two dollars (\$2).

9. Prior to the commencement of any lumbering operation on any Indian Reserve and before the issue of any timber licence to authorize such operation, a distinguishing timber-mark shall be designated by the Minister, and such mark shall be placed on each piece of timber cut and removed from such reserve to distinguish such timber from that cut from lands other than the reserve in question.

10. The Minister of Mines and Resources or other officer deputed by him shall prior to the sale of any berth or limit determine the necessity or expediency of placing such berth or limit under an adequate system of forest protection, and the licensee of such berth or limit shall be required to defray half the cost thereof as determined by the department in protecting the same.

The licensee shall further be required to:—

- (a) Utilize all the timber in every tree cut down and manufacture it into lumber or other saleable product.
- (b) Dispose of the tops, branches and other debris resulting from his operations in accordance with the directions of the proper officer of the Affairs Branch of the Department of Mines and Resources, so as to prevent as much as possible the danger of fire.
- (c) Exercise strict and constant supervision to prevent the origin of fires, and shall prevent all unnecessary destruction of the timber on the part of his men.

11. All timber licences are to expire on the 30th day of April next following the date thereof, and all renewals are to be applied for before the 1st day of May following the expiration of the last preceding licence, in default whereof the berth or limit may in the discretion of the Minister be declared forfeited.

12. Timber cut on reserves for which the licences have been suspended or held in abeyance shall be considered as having been cut without authority and shall be treated accordingly.

13. No renewal of any licence shall be granted unless the limit thereby has been properly worked during the preceding season or sufficient work has been given under oath, and the same be satisfactory to the Minister, for the working of the limit, and unless or until the rental and any royalty due for the previous season's operations shall have been paid.

14. All transfers of timber licences shall be made in writing, but shall be subject to the approval of the Minister, to whom they shall be submitted for his approval or rejection, and they shall be valid only from such time as the Minister's approval is expressed in writing. A fee of five dollars (\$5) shall be payable in each transfer, but no transfer shall be accepted whilst the licensee is in arrears for non-payment of royalty or other charges.

5. The Minister of Mines and Resources or any authorized agent shall at any time have free access to and be permitted to examine the books and memoranda kept by any licensee, showing the quantity of lumber in board measure by him from logs cut on his berth or berths, and failing to produce such books and memoranda when required so to do, will subject such licensee to a forfeiture of his right to a renewal of his licence.

6. When any licence holder is in default for, or has evaded the payment of royalty to the Indian Affairs Branch of the Department of Mines and Resources, on any part of the timber or sawlogs, such royalty may be levied on the timber or sawlogs belonging to such defaulter, cut under licence.

Before the issue of any timber licence the licensee or licensees thereof shall furnish security by a bond of himself or themselves, and two responsible persons, for such amount as the Minister of Mines and Resources may consider necessary to ensure the proper working of the limit, the due fulfilment by him or her of the conditions of the licence, and the due observance of all the regulations of the Department in respect to the timber to be cut. The giving of such security shall not, however, in any way prejudice the right of the Minister or his agent, to require upon any timber cut or owned by the holder or holders of the licence, or the said licence should there appear to him to be sufficient cause for so doing.

Form of Licence.

LICENCE TO CUT TIMBER ON INDIAN RESERVES IN THE PROVINCE OF BRITISH COLUMBIA

No

File

IN WITNESS WHEREOF, I, the Minister of the Interior, have caused this Licence to be signed by me, and the seal of the Department of the Interior to be hereunto affixed, at Ottawa, this 19th day of May, 1900.

I, the Minister of the Interior, do hereby give unto the Agents and Workmen full power and Licence to cut the Location described upon the back hereof, and to hold and occupy the same Location to the exclusion of all others, except as hereinafter mentioned.

1900, and no longer; with the right of conveying away the same Timber through any ungranted or waste Indian Lands.

By virtue of this Licence the said Licensee has right by the said Licence to all timber cut by others in trespass on the ground hereby assigned, and power to seize and recover the same anywhere within the Dominion of the Dominion.

This Licence is subject to the following conditions, viz.:

1. The dues to which the Timber cut under its authority are liable, shall be as follows, namely:—

2. A sworn return furnished by a licensed scaler and on or before the 1st of November following the season in which the timber is cut.

3. All Lots sold prior and all Lots sold subsequently to the date hereof, which have been settled upon and are being cleared for cultivation, shall be exempt from the operation of this Licence, excepting in so far as Pine and other merchantable timber are concerned, which this Licence will continue to operate until all conditions of sale have been fulfilled.

4. Any person or persons may, under authority of the Minister of Mines and Resources, at all times, make and use Roads upon, and travel over, the same, as hereby licensed.

That nothing herein shall prevent any person or persons, having au from the Minister of Mines and Resources to do so, from taking the s Timber of any kind to be used for the making of Roads and Bridges, Public Works.

And that persons settling under lawful authority or title within the tion hereby licensed shall not in any way be interrupted in clearing an vating by the said Licensee, or any one acting for or by permission.

And further upon condition that the said Licensee or representative shall comply with all regulations that are or may be esta by Order in Council, and shall submit all the Timber cut under this Lic be counted or measured, and shall settle for the duties chargeable therec required by me or any officer thereunder authorized,—otherwise the said will be forfeited to the Crown, and the said Licensee be subject to suc penalty or penalties as provided by law.

Given under my hand at Ottawa, this day of in the year of Our Lord one thousand nine hundred and

.....
Director of Indian Affe

Amount payable on giving this Licence	}	Bonus,	\$
		Deposit,	\$
		Ground Rent,	\$
		Licence Fee,	\$

The above named Licensee shall be bound before or when paying th rent and renewal fee—if the Licence is renewed—to declare on oath still the bona fide proprieto

limit hereby licensed, or whether sold or transferr
any part of it, or for whom hold it.

We have read and comprehend the nature of the obligations com this Licence, and we bind ourselves jointly and severally, and each of o Executors, Curators and Administrators to pay all duties that may be and payable to His Majesty, His Heirs or Successors on any Timb acquired by virtue of this Licence, in the event of the above named failing or refusing to pay the same or to give satisfactory bonds for thereof.

Signature of Licensee:

.....
The timber limit or berth covered by this Licence No.
prises the following lands:—

Royalties payable:—

Stumpage payable:—

This Licence No. renewable yearly, under the pro section No. 13 of the Regulations governing the disposal of timber Reserves in the province of British Columbia, for a period of

Timber-mark to be placed on timber cut under authority of thi No. thus:—

APPENDIX T

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

lations governing the disposal of Timber on Indian Reserves in the Dominion of Canada with the exception of those situated in the Province of British Columbia, under the provisions of section 76 of the Indian Act, by Order of His Excellency in Council, dated the 1st day of May, 1923, P.C. 752.

No timber on Indian Reserves shall be disposed of until such timber has released in accordance with the provisions of the Indian Act.

The timber covered by such release shall be cruised and valued and the entries thereof established in such manner as may be directed by the Minister of Mines and Resources, and such cruise and valuation shall be recorded in the Department of Mines and Resources.

The berth or limit thus cruised shall be offered for sale by public auction at the upset price fixed by such valuation, or by tender, at such time and on such conditions as the Minister shall direct by public notice for that purpose; in the event of berths or limits being offered for sale by tender, the Minister shall not be bound to accept the highest or any tender should he deem it in the interest of the Indians who own the timber to do otherwise; provided that should the value of such timber not exceed the sum of \$500, the Minister may dispose of the timber to the best advantage in the interest of the Indians, without public advertisement.

Every offer to purchase a licence, to cut and remove timber from an Indian Reserve under these regulations, which shall be in the form as shown in section No. 24 hereunder, shall include an offer by and on the part of the tenderer to pay to the Department of Mines and Resources:—

- a) An annual rental at the rate of \$5 per square mile.
- b) Licence fee of \$4.
- c) The dues on each class or kind of timber at the tariff rate shown under Section No. 20 hereunder.
- d) Such upset price as the Department may establish for the sale in question, payable as a lump sum before the issue of the licence, or as stumpage per thousand feet board measure, or per cord, or per lineal foot as the case may be.
- e) Such further price in addition to the upset price as the tenderer is prepared to pay.

Each tender must be accompanied by an accepted cheque on any Chartered bank, for such amount as the Minister shall direct by public notice so as to ensure the proper carrying out of the undertaking; such cheque shall be retained by the Department in the event of acceptance of tender; returned to the tenderer if the tender is not accepted; and forfeited to the Department if the undertaking is not completed to the satisfaction of the Minister.

A licensee shall be required to pay a licence fee of \$4 and if he has complied with the existing regulations he shall be entitled to have his licence renewed on application to the Minister, and for each renewal there shall be paid a fee

tariff rate as shown under section No. 20; such dues to be credited to the funds of the band.

Provided: that the Minister may waive collection of the dues as a measure of relief to the Indians, should he deem it in their interest to do so.

16. (Rescinded June 7, 1935.)

17. All timber berths or limits, shall be subject to an annual ground rent of \$5 per square mile payable in advance before the issue of any licence or renewal thereof, and in computing the ground rent, no licence shall be charged at less than eight square miles in area.

18. Before the issue of any timber licence the licensee or licensees thereof shall furnish security by a bond of himself or themselves and two responsible sureties for such amount as the Minister may consider sufficient to ensure the proper working of the limit, the due fulfilment by the licensee of the condition of the licence, and the proper observance of all the regulations of the Department with respect to the timber to be cut. The giving of such security shall not however in any way prejudice the right of the Minister or his agent to levy upon any timber cut or owned by the holder or holders of the licence or to cancel the said licence should there appear to be sufficient cause for so doing.

19. All transfers of timber berths shall be made in writing but shall be subject to the approval of the Minister, to whom they shall be transmitted for approval of rejection, and they shall be valid only from the time of such approval to be expressed in writing. In all cases of transfer of limits or timber berths they will be subject to the payment of \$2 per square mile for each limit or berth, and in proportion if only a part is transferred or if the licensee takes in one or more partners with him.

20. The tariff of dues chargeable on timber cut under permit shall be as follows:—

Pine logs	per M f.b.m.	\$2 50
Logs cut from trees of deciduous species, hardwood varieties, i.e., maple, beech, ash, birch, elm, hickory, oak and basswood	per M f.b.m.	2 00
Logs cut from trees of coniferous species other than pine, i.e., cedar, spruce, hemlock, fir and tamarac	per M f.b.m.	1 50
Logs cut from trees of deciduous species, softwood varieties, i.e., poplar and balm of gilead	per M f.b.m.	1 00
Shingle bolts	per cord of 128 cu. ft.	0 75
Pulpwood	per cord of 128 cu. ft.	0 40
Cordwood (hardwood)	per cord of 128 cu. ft.	0 30
Cordwood (softwood)	per cord of 128 cu. ft.	0 20
Ties	each	0 04
Posts	each	0 02
Poles, piling, spars, pit props, etc., per lineal ft.		0 02
All other forest products not enumerated, 15 p.c. ad valorem.		

21. Licences shall specify the species of trees and the minimum diameter size to be cut, which shall be at a distance of not less than 18 inches from the ground, and licensees shall not have the right to cut any trees that may be designated by the proper officer of the Department of Mines and Resources as required to provide an adequate supply of seed for the reproduction of the forest.

22. The Minister or other officer deputed by him shall, prior to the sale of any berth or limit determine the necessity or otherwise of placing such berth or limit under an adequate system of forest protection and the licensee of such berth or limit shall be required to defray half the cost incurred by the Department in protecting the same. The licensee shall further be required to:—

- (a) Utilize all the timber in every tree cut down and manufacture the same into lumber or other saleable product.
- (b) Dispose of the tops, branches and other debris resulting from his operations, in accordance with the directions of the proper officer of the Department of Mines and Resources, so as to prevent as much as possible the danger of fire.

- (c) Exercise strict and constant supervision to prevent the origin or spread of fire and shall prevent all unnecessary destruction of the growing timber on the part of his men.

23. Prior to the commencement of any lumbering operation on an Indian Reserve and before the issue of any timber licence to authorize such operation, a distinguishing timber-mark shall be designated by the Minister, and such mark shall be placed on each piece of timber cut and removed from such Reserve so as to distinguish such timber from that cut from lands other than the Reserve in question.

24. Form of Licence:—

LICENCE TO CUT TIMBER ON INDIAN RESERVES IN THE
DOMINION OF CANADA EXCEPTING THOSE SITUATE
IN THE PROVINCE OF BRITISH COLUMBIA

No.

File.....

By authority of Chapter 81 of the Revised Statutes of Canada and amendments thereto, and for and in consideration of the payments made, and to be made to the credit of Indian Funds:—I do hereby give unto

and unto Agents and Workmen full power and Licence to cut upon the Location described upon the back hereof, and to hold and occupy the said Location to the exclusion of all others, except as hereinafter mentioned:—

from 19 , and no longer; with the right of conveying away the said Timber through any ungranted or waste Indian Lands.

And by virtue of this Licence the said Licensee has right by the said Statute to all timber cut by others in trespass on the ground hereby assigned, with full power to seize and recover the same anywhere within the Dominion of Canada.

But this Licence is subject to the following conditions, viz:—

That the dues to which the Timber cut under its authority are liable, shall be paid as follows, namely:—

Under a sworn return furnished by a licensed scaler and on or before the 30th of November following the season in which the timber is cut:

That all Lots sold prior and all Lots sold subsequently to the date hereof, and which have been settled upon and are being cleared for cultivation, shall be exempt from the operation of this Licence, excepting in so far as Pine and Spruce merchantable timber are concerned, which this Licence will continue to control until all conditions of sale have been fulfilled:

That any person or persons may, under authority of the Minister of Mines and Resources, at all times, make and use Roads upon, and travel over, the ground hereby licensed:

That nothing herein shall prevent any person or persons, having authority from the Minister of Mines and Resources to do so from taking the standing Timber of any kind to be used for the making of Roads and Bridges, or for Public Works:

And that persons settling under lawful authority or title within the Location hereby licensed shall not in any way be interrupted in clearing and cultivating by the said Licensee, or any one acting for or by permission.

And further upon condition that the said Licensee or representatives shall comply with all regulations that are or may be established by Order in Council, and shall submit all the Timber cut under this Licence to be counted or measured, and shall settle for the duties chargeable thereon when required by me or any officer thereunto authorized—otherwise the said timber will be forfeited to the Crown, and the said Licensee be subject to such other penalty or penalties as provided by law.

GIVEN UNDER MY HAND at Ottawa, this day of
in the year of Our Lord one thousand nine hundred and

.....
Director of Indian Affairs.

(Amount payable on giving this Licence) {	Bonus,	\$
	Deposit,	\$
	Ground Rent,	\$
	Licence fee,	\$

The above named Licensee shall be bound before or when paying the ground rent and renewal fee—if the Licence is renewed—to declare on oath whether still the *bona fide* proprietor of the limit hereby licensed, or whether sold or transferred it, or any part of it, or for whom hold it.

We have read and comprehend the nature of the obligations contained in this Licence, and we bind ourselves jointly and severally, and each of our Heirs, Executors, Curators and Administrators to pay all duties that may become due and payable to His Majesty, His Heirs or Successors on any Timber cut or acquired by virtue of this Licence, in the event of the above-named Licensee failing or refusing to pay the same or to give satisfactory bonds for payment thereof.

SIGNATURE OF LICENSEE:—

.....
.....

The timber limit or berth covered by this Licence No. comprises the following lands:—

Dues payable:—

Pine logs	per M f.b.m.	\$2 50
Logs cut from trees of deciduous species, hardwood varieties, i.e., maple, beech, ash, birch, elm, hickory, oak and basswood	per M f.b.m.	2 50
Logs cut from trees of coniferous species other than pine, i.e., cedar, spruce, hemlock, fir and tamarac	per M f.b.m.	1 50
Logs cut from trees of deciduous species, softwood varieties, i.e., poplar and balm of gilead	per M f.b.m.	1 50
Shingle bolts	per cord of 128 cu. ft.	0 75
Pulpwood (Spruce)	per cord of 128 cu. ft.	1 50
Pulpwood (Balsam)	per cord of 128 cu. ft.	0 75
Pulpwood (Other)	per cord of 128 cu. ft.	0 40
Cordwood (hardwood)	per cord of 128 cu. ft.	0 50
Cordwood (softwood)	per cord of 128 cu. ft.	0 25
Ties	each	0 10
Posts		0 02
Poles, piling, spars, pit props, etc., per lineal ft.		0 02
All other forest products not enumerated, 15 p.c. ad valorem.		

Stumpage payable:—

This Licence No. renewable yearly, under the provisions of section No. 7 of the Regulations governing the disposal of timber on Indian Reserves, with the exception of those in the province of British Columbia, for a period of years.

Timber-mark to be placed on timber cut under authority of this Licence No. thus:—

APPENDIX U

P.C. 5315

PRIVY COUNCIL

CANADA

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 13th day of July, 1944.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources, and under the authority of Chapter 31, 2, George VI, being an Act to Amend the Indian Act, Chapter 98, Revised Statutes of Canada, 1927, is pleased to make the attached regulations with respect to prospecting for and disposal of petroleum and natural gas on Indian Reserves and Indian lands and they are hereby made and established in supersession of the regulations made by Order in Council P.C. 2103, dated the 31st day of August, 1938.

A. D. P. HEENEY,
Clerk of the Privy Council.

The Honourable

The Minister of Mines and Resources.

44-25-606

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CANADA

Regulations For The Prospecting For And The Disposal Of Petroleum And Natural Gas On Indian Reserves And Indian Lands

1. These regulations shall be applicable to the prospecting for and recovery of all petroleum and natural gas within Indian Reserves and Indian lands which have been released or surrendered to the Crown in accordance with the provisions of the Indian Act.

2. In the construction of these regulations the following expressions shall have the following meanings respectively unless inconsistent with the context—
“Agent” shall mean a Commissioner, Superintendent, Indian Agent or other officer acting under the instructions of the Minister or Director;

"Branch" shall mean the Indian Affairs Branch of the Department of Mines and Resources;

"Department" shall mean the Department of Mines and Resources;

"Director" shall mean the Director of the Indian Affairs Branch of the Department of Mines and Resources;

"Minister" shall mean the Minister of Mines and Resources;

"Allowable Production" shall mean the greatest amount of petroleum, natural gas, or both, that shall be produced in 24 hours from a well drilled on a location or on an authorized group of locations;

"Group" shall mean two or more locations described in petroleum and natural gas leases consolidated for purposes of operation;

"Lessee" shall mean any individual, partnership, company or corporation the holder of a petroleum and natural gas lease in good standing;

"Location" shall mean the tract described in a petroleum and natural gas lease;

PART I

3. The Agent for the lands in which the rights applied for are situated or any other officer appointed by the Minister or Director for the particular purpose may receive applications for permits to prospect for petroleum and natural gas on Indian Reserves and Indian lands and the Minister may, in his discretion, issue such permits subject to the terms and conditions of these regulations.

4. The area and dimensions thereof which may be applied for shall be not more than 10,240 acres and, if available, not less than 2,560 acres but the Minister in his discretion may refuse to grant a permit for all of the area applied for.

5. If the area applied for is situate in subdivided lands it shall consist of sections, legal subdivisions or lots and aliquot parts of lots according to the subdivision but if situated in unsubdivided lands shall contain a description in metes and bounds of the area applied for, accompanied by a plan showing position of such location in its relation to some point known but in either case the boundaries of the area to be included in the permit shall be subject to the approval of the Director.

6. A fee of \$5.00 shall accompany each application for a prospecting permit together with the amount of the first years' rental of 10c per acre for the area applied for. If the area applied for be greater than the area granted the applicant shall be entitled to a refund of the rental paid in excess.

7. The Agent or other officer of the Department authorized to receive applications for prospecting permits shall immediately endorse thereon over his signature the date, hour and minute when each such application is received and priority of filing shall prevail.

8. The term of the permit shall be one year from the date of issue provided, however, that the Minister may if he considers that prospecting operations have been diligently proceeded with and the terms and conditions of the permit fully complied with, grant to the permittee a further permit for a period not exceeding six months upon payment of additional rental at the rate of 10c per acre for each acre applied for and at the expiration of either of the aforesaid times all rights granted therein shall automatically cease and determine provided, however, that the Minister may in his sole discretion grant further extensions of time on such terms and conditions as he may deem advisable provided that the application therefor is made during the life of the permit.

9. Before prospecting operations on the area described in the permit shall be commenced, the permittees shall submit to the Director a statement containing detailed information as to the character of the operations to be conducted

including a description of the methods to be employed in collecting required geological information, the method by which such information is to be conveyed to the Director and the uses, purposes and disposal of any cores which may be obtained together with the personnel to be employed, the date upon which the prospecting operations are to be commenced, and the approximate date upon which they are to be completed. The applicant shall commence prospecting operations within 90 days of the issue of the permit and thereafter diligently prosecute such operations to the satisfaction of the Minister. Failure to commence prospecting operations within that period shall automatically terminate the permit. If the permittee should fail to carry on prospecting operations to the satisfaction of the Minister, the Minister may terminate the permit on giving 30 days notice in writing to the permittee of his intention so to do. Such notice shall be sufficiently served on the permittee if mailed to him by registered post to his last known address or if left at the said address. A notice sent by post shall be deemed to be given at the time when in due course of post it would be delivered at the address to which it was sent.

10. The permittee shall from time to time, as prospecting and drilling operations proceed, furnish the director, free of cost, and in the manner determined with all geological and other data and reports obtained as a result of such prospecting and drilling, also with the logs of the several wells drilled, the conditions ascertained, and the results obtained.

Prior to the termination of the period for which the permit was granted, the permittee shall submit under affidavit to the Director a full and detailed statement of the geological examination, prospecting or drilling operations, conducted on the area during the term of the permit and the several items of expenditure so incurred, and the specific purpose for which each such item was expended.

11. The permittee may relinquish his permit at any time during the term thereof and/or provided that the prescribed terms and conditions of his permit have been complied with and accepted as satisfactory by the Minister he shall be entitled to a lease or leases of such portion of the area as he may select not exceeding one half thereof.

12. At the time of the application for a lease and upon receipt of evidence satisfactory to the Minister that the permittee has incurred, during the term of his permit, expenditures in actual core drilling, or other operations on the area for purposes of structural discovery, exclusive of the cost of the machinery and casing employed and of all other extraneous expenses, credit may be granted the permittee for such portion of the confirmed expenditure so incurred as the Minister may consider advisable.

The whole or such portion of the credit so established may, in the discretion of the Minister, be applied on account of the prescribed rental due for the first year under a petroleum and natural gas lease or leases under the provisions of these regulations by such permittee of that portion of the area described in the lease or leases which the permittee may be granted under the provisions of Part II of these regulations. Any unused portion of such credit shall automatically lapse.

13. At the expiration or sooner determination of the permit, in case the permittee has not exercised his right to apply for a lease under the regulations, such area may again in the sole discretion of the Minister become available for application under these regulations.

14. The permittee shall not assign, transfer or sublet the rights granted under the permit, or any portion thereof, or any interest therein, without the consent in writing of the Director being first had and obtained.

15. The permittee, his agents or employees engaged specifically in prospecting the area shall have the right of entry on the land held under permit but shall be held responsible for any damage arising from such operations.

16. If in the course of drilling, natural gas or potable waters are discovered, such natural gas and waters shall be controlled and the Minister may take over such boring and utilize such natural gas or waters free of cost, the permittee shall have the use of such natural gas or waters as may be required by him in connection with the exercise of his rights granted by the permit.

17. All fires used by the permittee shall be so safeguarded that no hazard to surrounding property shall be created.

18. The petroleum and natural gas rights within the area included in any permit which has not been granted in a lease or leases to the permittee shall not be available for disposal under these regulations for a period of one year after the termination of the said permit, provided, however, that the Minister may dispose of such rights in the said portion or any part thereof by public auction, competitive tender or otherwise as he may determine.

PART II

19. The petroleum and natural gas rights which are available may be leased to applicants on the terms and conditions provided herein.

20. The lease shall be in such form as may be determined by the Minister in accordance with the provisions of these regulations and shall be for 21 years renewable for a further term of 21 years provided the lessee shall furnish evidence satisfactory to the Minister to show that during the term of the lease he has complied fully with the provisions of such lease and with the provisions of the regulations in force from time to time during the currency of the lease and provided further that such renewal shall be subject to the regulations then in force or to any amendments thereof made thereafter.

21. The lease shall in all cases include the right only to the petroleum and natural gas in the lands leased that can be obtained by the usual processes of drilling, but not the right to mine oil shale or to extract the oil that may be recovered from such shale and shall not include helium.

22. The rental for the first year of the lease shall be 50c per acre and for each subsequent year \$1.00 per acre, payable yearly in advance; all rentals in arrears shall bear interest at the rate of 5 per cent per annum.

23. The lessee may, upon application, be granted a lease at a rental of one dollar an acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in his petroleum and natural gas lease the Minister may consider necessary for the efficient and economical working of the rights granted him. The surface lease shall be concurrent with the petroleum and natural gas lease.

24. In case the surface rights of a petroleum and natural gas location are covered by a timber licence, grazing or coal mining lease, mining claim or other form of terminable grant, the lease shall not authorize entry thereon without the permission of the Minister being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such licensee or lessee as it may be considered necessary to impose.

25. The maximum area of a petroleum and natural gas location shall be 2,560 acres. The minimum area of a location shall not be less than 160 acres, except in such special cases as the Minister in his sole discretion may decide as being proper and convenient.

26. Application for a lease other than from the holder of a permit shall be filed by the applicant with the Agent of the Indian Reserve in which the rights applied for are situate or an officer of the Department authorized to receive such application. The application shall be on a form to be approved of by the Minister and shall be accompanied by a fee of \$5.00.

27. No lease shall be granted to, nor shall any assignment be accepted from or in favour of, any person indebted for rent or royalty or is otherwise in default under any permit or lease issued to him.

28. Any company acquiring by assignment, or otherwise, a lease under the provisions of these regulations, shall be a company incorporated, registered or licensed in Canada.

29. The location applied for shall consist of sections, legal subdivisions or lots and aliquot parts of lots according to the subdivision, but the several parcels as grouped to comprise the tract shall be one rectangular block the length of which shall not exceed four times its breadth.

30. Application for a location situate in unsubdivided areas shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some known point provided that where the lands adjoining are subdivided into sections the plan may show section lines projected into the area and the location applied for may comprise sections or legal subdivisions of sections. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Branch. The location must be rectangular in form, except where a boundary of a previous location is adopted as common to both or where the location is bounded by an irregular limit of the area, the length not to exceed four times the breadth.

31. As soon as the subdivision survey of an Indian Reserve has been approved, all petroleum and natural gas leases embracing any portion of such reserve so surveyed and approved, shall be made to conform to the subdivision of the reserve, if the Minister so decides, by the substitution of a new lease describing by sections, legal subdivisions of sections or regular portions of lots, as nearly as may be, the tract embraced in the leasehold, in so far as the reserve so surveyed is concerned. If any part of the leasehold is in territory which remains unsubdivided it shall continue to be described as in the lease originally issued until such portion is included in an approved survey.

32. If for any reason, it is considered necessary or advisable to have a survey made of any location or locations applied for or leased under these regulations, the Minister may direct that such a survey be made by a duly qualified land surveyor under proper instructions, and may require payment in advance of the costs of such survey to be made by the applicant for, or the recorded owner of, the location or locations to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as may seem to him just. Failure on the part of the applicant or lessee to make such payment in advance, when called upon to do so by the proper officer of the Department shall render the application or lease subject to immediate cancellation in the discretion of the Minister.

33. The rental of the location for the first year shall accompany the application, and no application for a lease of petroleum and natural gas rights shall be accepted or recorded until the full amount of the rent for the first year shall have been paid in cash or by established credit.

34. When credit has been established under the provisions of Part I of these regulations, the whole or any portion of the credit so established may at the discretion of the Minister be applied for the first year only on account of the prescribed rental of a location acquired under the provisions of these regulations.

35. If during the term of the lease the lessee shall fail to pay rental in advance for each subsequent year within thirty days after the date on which the same became due, together with interest thereon, whether demanded or not, the lease shall be subject to cancellation in the discretion of the Minister without notice to the lessee.

36. The lessee shall commence drilling operations with suitable machinery and equipment capable of adequately testing the location within three months of the date of his lease or within such further time as the Minister may in writing approve and he shall continue such drilling operations with reasonable diligence, to the satisfaction of the Minister with a view to the discovery of petroleum or natural gas. If the lessee does not commence drilling operations within the time prescribed, or if having commenced such operations he does not prosecute the same with reasonable diligence, to the satisfaction of the Minister, or if he ceases to carry on the same for a period of more than three months, the lease shall be subject to cancellation in the discretion of the Minister upon thirty days' notice to this effect being given to the lessee.

37. No well shall be drilled within 300 feet of any road allowance, surveyed road, railway right of way, or the boundaries of any dwelling, school, church, or of the location, without the written consent of the Minister or Director.

38. The Minister may permit a lessee who has acquired by assignment or otherwise more than one petroleum and natural gas lease where the locations are contiguous and on the same oil structure to consolidate his operations and expenditures on one or more of the locations upon such terms and conditions as he may consider advisable.

39. The total area which may be consolidated under these regulations shall be at the discretion of the Minister and shall not exceed 10,240 acres.

40. In the event of the lessee obtaining production of petroleum or natural gas on a location or locations within a group he shall continue to drill such further well or wells thereon as the Minister may in his discretion determine and may be required to produce therefrom so long as the said location or group of locations shall continue to yield petroleum or natural gas in remunerative quantity.

41. The Minister may in his discretion limit the number and define the distance apart of wells on a location or locations within a group as he may consider desirable.

42. (a) If the lessee during the first year of his lease incurs expenditure in actual drilling operations exclusive of the cost of machinery and casing employed and all other extraneous expenses but including reasonable depreciation, he shall be entitled to a credit on rental to become due and payable for the second year of his lease for such expenditure not exceeding the amount of the rental if before the end of the first year of his lease he gives notice of his intention to apply for such credit and within thirty days thereafter files with the Minister satisfactory evidence supported by affidavit that such expenditure has been incurred. The decision of the Minister as to the amount of the credit to be allowed shall be final. Likewise, a credit on the rental to become due and payable for the third year of his lease may also be obtained in the same manner for similar expenditure incurred on the location during the second year.

(b) The balance of rentals due, if any, in each of the said two years shall be paid at the same time as the evidence in regard to work done is submitted as above required. Failure to submit such evidence and to pay the balance of rental due, if any, shall render the lease liable to cancellation as provided in paragraph 35 hereof.

43. (a) The royalty to be computed, levied and collected on all products, other than natural gas for which provision is made in paragraphs (b) and (c) hereof, obtained by separation from every location acquired under the provisions of these regulations shall from each well on the location be that per centum of the products obtained from such well equivalent to the square root of the average daily production in barrels for each day the well had been on production during the calendar month for which the return is made to the

Branch free and clear of any deductions whatsoever; provided that, where the result of an order or a direction of the Minister, a well is operated intermittently and in consequence of such operation the royalty payable is in excess of the royalty which would be payable if the well had operated continuously, then the royalty to be computed, levied and collected shall not exceed the square root of the average daily production during the calendar month for which the return is made to the Branch free and clear of any deductions whatsoever; provided further that the royalty to be levied and collected on all such products obtained from every location, shall from each well on each location not exceed a rate of fifteen per centum (15%) and shall not be less than five per centum (5%) of such products obtained from such well during the calendar month for which the return is made to the Branch, free and clear of any deductions whatsoever; provided further that the person responsible to the Crown for the payment of the royalty to be levied and collected on all such products obtained from every location may elect to pay a royalty at the rate of twelve and one-half per centum ($12\frac{1}{2}\%$) of all such products obtained from the location during the calendar month for which a return is made to the Branch, free and clear of any deductions whatsoever, and such election shall be determined by the first return filed with the said Branch.

(b) The royalty to be computed, levied and collected on all products obtained through absorption plants or other process of a similar nature and operated by gravity from every location shall from each well on the location be fifteen per centum (15 per cent) of the amount received by the lessee or grantee, on such products, provided that where the lessee or grantee is also the operator of the absorption plant the royalty to be computed, levied and collected shall be fifteen per centum (15 per cent) of the amount which would be paid to the lessee or grantee if the lessee or grantee and the operator of the absorption plant were not one and the same person.

(c) The royalty to be computed, levied and collected on natural gas obtained from every location, consumed for some useful purpose off the location or sold, shall be fifteen per centum (15 per cent) of the selling price or fair value at the time and place of production, provided that for the purposes of this paragraph each sub-lease shall be deemed to be a location; provided further that in any event shall the royalty to be computed, levied and collected as herein provided be less than one-quarter of one cent ($\frac{1}{4}$ ¢.) per thousand cubic feet (mcf).

44. The lessee shall pay and discharge all rates, assessments and taxes properly imposed by any Provincial, municipal, improvement, school, irrigation or drainage districts, now charged or hereafter to be charged upon the said demised premises, as occupant, or upon the said lessee or occupier in respect thereof or payable by either in respect thereof.

45. The lessee shall not assign, transfer or sublet the rights described in the lease, or any part thereof, or any interest therein, without the consent in writing of the Minister being first had and obtained, and no assignment of such rights shall be accepted and recorded in the Department unless it is unconditional. The fee for approval of the assignment shall be \$5.

46. The lessee may be permitted to relinquish at any time the whole or any portion of the location described in his lease provided he has complied with the provisions of the regulations to the satisfaction of the Minister and that he has made payments on account of rental to the date of such relinquishment or other liability to the Indian Affairs Branch due in connection with the lease, have been fully made and satisfied and provided the portion of the location which may be retained shall be of the prescribed shape, and shall not be of a less area than 160 acres but in such event the lessee shall not be entitled to repayment of any portion of the rentals paid in advance.

47. If it is not established to the satisfaction of the Minister that petroleum or natural gas in paying quantity has been discovered on the leasehold, the lessee

shall be subject to termination upon one year's notice in writing being given to the lessee by the Minister or Director.

48. At the end of each year of the lease, or whenever so required by the Minister, the lessee shall furnish a statement supported by affidavit, showing the number of days during the year that operations were carried on upon the location; the number of men employed in such operations; the character of the work done; the depth attained in each drilling operation; the total expenditure incurred; a detailed statement setting out fully the purpose for which such expenditure was incurred; the quantity of petroleum and natural gas or either of them obtained and the amount realized from the sale thereof. Failure to furnish such yearly return within a period of ninety days shall render the lease subject to cancellation.

49. The lessee shall furnish to the Branch at least once a year a plan in duplicate showing the position of all wells, pipe lines, tanks, buildings, or other structures on the location under lease and such plan shall be prepared on a scale of not less than 200 feet to the inch.

50. It shall be lawful for the Director or any officer duly authorized by him at all times to enter upon the location or group of locations and have access to all wells, records, plant and equipment and the lessee shall render such assistance as may be necessary or essential and such officer shall have the right to take samples, particulars or carry out tests or examinations desired.

51. The lessee shall clear all combustible material from the area around any well or other works constructed or operated by him to the satisfaction of the Minister and, where necessary and practicable, the lessee shall construct and maintain a ploughed fireguard around such area.

52. The Minister may reserve from disposal the whole or any portion of the petroleum and natural gas rights on any lands as in his sole discretion he may consider desirable and may dispose of such reserved portion or portions by public auction or tender, and the procedure for such disposal shall be that prescribed by the Minister.

53. When a petroleum and natural gas lease, issued under the provisions of these regulations, is cancelled the rights described in such lease shall not again become available for disposal under these regulations for a period of one year thereafter, provided, however, that the Minister may dispose of such rights by public auction, competitive tender or otherwise as he may determine.

54. The lessee shall before beginning drilling operations on a location required under the provisions of these regulations notify the Director in writing of his intention to begin such operations on forms obtainable from the Branch. The lessee shall not begin drilling operations on any location until he has received in writing the approval of the Director of the proposals submitted under this section. No change in the program outlined in the notice of intention to begin operations shall be made without submitting notice of the change of plans to the Director and receiving approval of such change.

55. The lessee shall keep a daily report of operations on forms obtainable from the Branch or on forms approved by the Branch and such report shall be made in duplicate, one copy being at all times retained at the well and open to inspection by any duly authorized officer of the Department. The original reports shall be countersigned by the lessee and forwarded to the Branch at the end of each and every week during the course of operations.

56. (a) The lessee shall cause to be preserved and maintained a series of samples of the formations penetrated by the drill in each drilling operation, such samples to be taken from successive depths of ten feet or at such intervals as may be prescribed by the Director and such samples shall be washed, dried, accurately labelled, and forwarded as requested to the Branch.

(b) When drilling methods resulting in the recovery of cores are employed the lessee shall cause samples to be taken from the cuttings carried up by the flush water from successive intervals of ten feet in depth or at such intervals as may be prescribed by the Director. He shall also keep and preserve all cores recovered in properly constructed and marked core boxes and such cores shall be available for inspection and examination by any duly authorized officer of the Department.

(c) When cores are taken from the core barrel they shall be released in the core box and shall be protected from theft or misplacement by being housed in a suitable building and under lock and key, and no final disposition shall be made of such cores except with the written permission of the duly authorized officer of the Department. When the breaking up of cores for detailed geologic examination is permitted, the lessee shall furnish to such officer an accurate report of such examination.

57. The lessee shall, during the drilling of a well, make or cause to be made tests for the purpose of ascertaining to what extent, if any, the well deviates from the vertical and shall set forth the results of such test or survey in writing on the daily drilling report. Should it be ascertained that the well has deviated more than 4° from the vertical the lessee shall take steps to correct such deviation. When the drilling has reached the horizon from which it is expected to obtain production the lessee shall make or cause to be made a survey for the purpose of ascertaining the depth and position of the bottom of the well in relation to the top of the well. In case such survey shows that the position of the bottom of the well projected to the surface is nearer to the boundary of the lease, upon which the well is drilled, than a distance equivalent to one-half of the total distance from the top of the well to the nearest boundary, the well shall not be completed and shall not be brought into production and the Minister may require the lessee to redrill the same in such manner as he may prescribe and the lessee shall cause such requirement to be complied with without delay.

58. (a) When during operations on a petroleum and natural gas location acquired under these regulations petroleum or natural gas or both be discovered the lessee shall immediately notify the Branch of the same by the most reasonable and expeditious means.

(b) When during drilling or production operations water makes its appearance in a well or any indication appears that may reasonably be taken as evidence of change in the source or other condition of water already notified as having appeared in a well, the lessee shall immediately notify the Branch with the fullest details available and when the drilling system permits shall take and preserve in a clean and enclosed glass or earthenware vessel a quantity of not less than one gallon of such water to be placed at the disposal of the Branch for analysis and shall when so directed afford any duly authorized officer such facilities as may be necessary for sampling the water in or at the well.

59. (a) The lessee of a location upon which a well has been or is being drilled shall use every means and endeavour in accordance with the most approved practice to shut off water above or below the petroleum or natural gas-bearing stratum or strata to test the efficiency of such shut-off and to prevent water from penetrating such petroleum or natural gas-bearing strata.

(b) The lessee shall notify the duly authorized officer of the Branch of the time he intends to test the shut-off of water in a well on any location. Such notice shall be received by such officer at least five days before the test is made. The officer acting on behalf of the Branch shall be present at such test and shall report the result in writing, a copy of which report shall be sent to the lessee. If the test be unsatisfactory he shall so notify the lessee and shall with

ve days after the completion of the test order such additional work as he deems necessary to shut off the water in such well and in such order designate a day upon which the lessee shall again test the well, which day may upon the application of the lessee be changed from time to time in the discretion of the Branch.

60. When it appears to the Director that water is penetrating any petroleum or natural gas-bearing stratum penetrated in a well drilled on a location acquired under these regulations or that water in such a well is likely to become injurious to the economic production of oil or gas from the structure upon which such well is drilled, he may order a test of water shut-off and designate a day upon which the same shall be made; such order shall be in writing and shall be served upon the lessee at least five days prior to the day designated in the said order upon which the test of the said shut-off shall be made.

Upon receipt of such order the lessee shall make the said tests in the manner and at the time specified.

61. The lessee shall make adequate provision for the control and conservation of petroleum and natural gas before any well is drilled into a potentially productive stratum.

62. The lessee shall confine natural gas to its original stratum whenever such gas be struck in commercial quantity or a gas-bearing stratum known to contain natural gas in quantity be penetrated in a well drilled under these regulations until such time as the gas be produced and utilized without waste.

63. The lessee shall take all reasonable and proper precautions to prevent escape of petroleum or natural gas should either or both be discovered in a well drilled on a location acquired under these regulations and his operations shall be so conducted as to enable him immediately upon discovery to control and prevent the escape of such petroleum and natural gas.

64. The lessee of a petroleum and natural gas location shall not allow the use of explosive or acid in a well drilled on a location acquired under these regulations until the consent of the Director has been obtained in writing. Such shooting or such use of acid shall be so conducted as to prevent damage to the well or to the petroleum or natural gas-bearing formations penetrated by the well. The lessee shall submit to the Branch a report of the result of such shooting or treatment by acid. This section shall be understood to apply to the use of explosive or acid in or at a borehole regardless of the quantity or purpose.

65. (a) When natural gas from any well contains natural gasoline such natural gasoline shall be subject to the same regulations as are applied to petroleum within the meaning of these regulations.

(b) When natural gas from any well is produced with petroleum or water such natural gas shall be efficiently separated from the petroleum, natural gasoline, or water. The method of separation as well as the type and size of the equipment used in separation shall be subject to the approval of the Director.

(c) The content of gasoline of any casing-head gas shall be determined by such method and in such manner as the Director may direct.

(d) The Director may order that a test be made of the content of gasoline of any natural gas and if in his opinion natural gasoline be present in paying quantity he may require that such natural gasoline shall be separated, conserved, and utilized as provided in these regulations.

66. The surface equipment of every natural gas well shall include such things as will enable a duly authorized officer of the Department to test the rock pressure or working pressure of a gas well at any time.

67. The lessee of a petroleum and natural gas location at such times and in such manner as the Director may direct shall take a gauge of the volume and rock pressure of all wells producing natural gas on the location and shall forward the report of such tests to the Branch.

68. When gas from any well is being produced the flow thereof shall be restricted to twenty-five per cent of the potential capacity as computed from the test made in accordance with Section 66, provided that the Director may in his discretion allow such additional proportion to be produced as he may deem expedient.

69. (a) Each and every well producing gas shall be equipped with an approved gas meter and all production drawn from such well shall be measured by meter. The meter shall be at or near the well and any by-pass around such meter shall be closed by a blank disc inserted in the same manner as an origin plate, which may be sealed by a duly authorized officer of the Department and only unsealed in an emergency or to repair the meter, notice of such unsealing shall be furnished to the Director, immediately or previous to the unsealing possible and as soon as the repairs are effected the by-pass shall again be closed and sealed.

- (b) Each meter shall be properly housed and locked and any duly authorized officer of the Department shall have access to well meters at all times and shall make such reasonable tests as he may see fit, and the lessee shall furnish to the Director at the end of each month a statement showing the amount of natural gas produced each day through the meter.
- (c) The Minister may allow wells to be grouped for the purpose of measuring the gas.

70. If petroleum or natural gas is being produced from any well or well the lessee shall file with the Director on forms obtainable for this purpose, not later than the 15th day of the month, a full report of the petroleum or natural gas produced during the preceding month.

71. The Minister may prescribe regulations for the determination of the allowable production of any well or wells and regulate the taking of petroleum or natural gas from any natural source of supply so as to prevent waste and the reduction of the ultimate recovery of any petroleum or natural gas from any common reservoir.

- 72. (a) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the escape of petroleum or natural gas if the lessee fails to do so or appears unable to do so.
- (b) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the access of water to a well, the access of water to petroleum or natural gas-bearing strata or both, or the escape of water from the well.
- (c) The Minister may appoint such agents as he deems necessary and may authorize them to enter upon the premises and perform the work and for that purpose to take possession of and use any drilling rig, derrick, tools, machinery, other appliances or equipment, fuel, water and other materials necessary for the performance of the work which may be upon the location or which may be the property of the lessee.
- (d) The Minister may recover from the lessee of the location upon which he takes control of a well for the reasons mentioned in subsection (a) and (b) all costs and expenses incurred in the performance of the operations so undertaken.

73. Notice shall be given to the Director immediately if drilling or production operations are suspended at any well. Before suspension the wellhead shall be so arranged that no waste of gas or petroleum can occur and that no opportunity be afforded for the access of water to or between the casings.

74. The lessee shall not deepen nor undertake the repair or other permanent change to the condition of a well in which drilling has been suspended for a period of more than six months or which has been in production without previously notifying the Director in writing to that effect. Notice of such intention to resume drilling operations must be furnished on a form obtainable from the Branch.

75. Where approval has been granted to drill a well on any location beneath which a bed or seam of coal is being worked or in respect of which operations have been started for the working of the coal the lessee shall conform to all requirements that may be prescribed by the Minister as to the manner of drilling, casing, cementing, producing and otherwise to prevent the escape of gas, petroleum, or water into the coal seams or into any mine workings that may be undertaken in connection therewith.

76. The lessee shall use every possible precaution in accordance with the best approved practice to stop and prevent waste of petroleum or gas during drilling and producing operations.

77. The Minister may prohibit the use of petroleum or natural gas from any well drilled on a location acquired under these regulations for any purpose if by any means he considers to be uneconomical or conducive to waste.

78. Before abandoning a well drilled on a location acquired under these regulations and before removing any part of the casing from such well the lessee shall notify the Director in writing of his intention so to do on forms obtainable from the Branch and shall furnish a log of the well if he has not already done so and shall obtain written approval of such abandonment and removal of casing from such officer as the Director may designate. The lessee shall use every effort in accordance with approved practice to shut off and exclude all water from entering the gas, petroleum or coal-bearing strata that may have been penetrated in the well.

79. Violation of any provision of these regulations shall render the lease or leases involved subject to cancellation at the discretion of the Minister.

80. The Minister may, from time to time, make such additional regulations as may appear to be necessary or expedient governing the manner in which drilling operations shall be conducted, and the manner in which producing wells shall be operated, also such orders as he may deem necessary for the interpretation and effective administration of these regulations. Failure on the part of the lessee to comply with such additional regulations shall render the lease subject to cancellation in the discretion of the Minister.

81. Where the Minister considers it is in the interest of conservation he may direct that the lessee shall comply with any or all of the regulations of the Lieutenant Governor in Council of the Province of Alberta heretofore or hereafter established under the authority of the Oil and Gas Wells Act 1942 being chapter 7 of the Statutes of Alberta, 1942, and any amendments thereto and any or all of the orders of the Petroleum and Natural Gas Conservation Board constituted pursuant to the Oil and Gas Resources Conservation Act being chapter 1 of the Statutes of Alberta, 1938 (second session).

APPENDIX V

DEPARTMENT OF MINES AND RESOURCES

INDIAN AFFAIRS BRANCH

CANADA

Regulations for the Disposal of Quartz Mining Claims within Indian Reserves

*Established by authority of Order in Council P.C. 2113
dated August 31, 1938*

1. These regulations shall be applicable to all minerals defined as such within Indian Reserves.

2. In the construction of these regulations the following expressions shall have the following meanings, respectively, unless inconsistent with the context.

"Minister" shall mean the Minister of Mines and Resources.

"Department" shall mean the Department of Mines and Resources.

"Director" shall mean the Director of the Indian Affairs Branch, Department of Mines and Resources.

"Indian Affairs Branch" shall mean the Indian Affairs Branch of the Department of Mines and Resources.

"Mineral" shall mean all deposits of gold, silver and all naturally occurring useful minerals other than placer deposits, peat, coal, petroleum, natural gas, bitumen and oil shales.

Limestone, marble, clay, gypsum, or any building stone when mined for building purposes, earth, ash, marl, gravel, sand, as well as any element which may, in the opinion of the Minister, form a portion of the agricultural surface of the land, shall not be considered as mineral within the meaning of these regulations.

"Mineral Claim" shall mean a plot of ground containing mineral, staked out and acquired under the provisions of these regulations.

"Holder", "recorded holder" or "recorded owner" shall mean any person whose name a mineral claim, acquired under these regulations, stands recorded in the records of the Department.

"Mining recorder" shall mean the officer of the Department of Mines and Resources appointed by the Minister for the particular purpose referred to.

"Mine Assessor" shall mean the person so designated from time to time by the Director.

3. Any person or any corporation authorized to prospect for minerals under the laws of the Province in which an Indian Reserve is situated, where it is desired to enter upon for the purpose of prospecting for minerals, may, after obtaining a permit from the Director, prospect for minerals upon Indian Reserves except as hereinafter mentioned, and may acquire exclusive right to carry on mining operations in a specified area by staking out and recording claim therefor, and upon performing and filing proof of the performance of the prescribed development work with the Director and upon obtaining a survey and plans of the area staked and entering into a lease with the Minister in the prescribed form.

4. No person or corporation, not the holder of a prospector's permit shall prospect for minerals upon Indian Reserves subject to these regulations, stake out, record or acquire any mineral claim or area of land for which a lease has not already been issued or acquire any right or interest therein.

5. (1) Any person or any Dominion or Provincial corporation duly licensed to transact business or hold lands and authorized to prospect for minerals under the laws of the Province in which an Indian Reserve is situate wherein it is desired to enter upon for the purpose of prospecting for minerals shall be entitled on payment of the fee of \$5.00 to obtain a prospector's permit in the prescribed form.
 - (2) The permit shall be dated on the day of issue thereof and shall expire at midnight on the 31st day of March then next ensuing.
 - (3) The permit shall not be transferable.
 - (4) A permit shall not be issued to a corporation if it is incorporated under the laws of the Dominion or a Province unless or until it has satisfied the Director that it is so incorporated. A Provincial corporation wishing to obtain a permit in a Province other than that of its incorporation shall file with the Director a copy of the licence authorizing the corporation to transact business or hold land in the Province in which a permit is required verified by an affidavit of an officer of the corporation.
 - (5) A prospector's permit held by a corporation shall not entitle any shareholder, officer or employee thereof to the rights and privileges of a permit holder.
 - (6) A permit holder shall be entitled to a renewal of his permit, in the prescribed form, on production of his permit before the expiration thereof and on payment of the prescribed fee.
 - (7) The Director, upon proof to his satisfaction of the wilful contravention by any permittee of any of the provisions of these regulations, may revoke the permit of such permittee.
 - (8) The permittee, his agent or employees shall exercise every care in the use of fire. Any infraction of existing fire laws on the part of the permittee, his agents or employees shall render the permit liable to cancellation.
6. Subject to the provisions herein contained, the holder of a prospector's permit may prospect for minerals and stake out a mineral claim on any Indian reserves surveyed or unsurveyed which have been declared open for staking the Minister provided none of the said lands are under staking or record as a mineral claim which has not lapsed or been abandoned, cancelled or forfeited withdrawn from prospecting or staking by the Minister.
7. A permit holder for himself or on behalf of any other permit holder may stake out a mineral claim on any Indian Reserve open for prospecting and subject to the other regulations, herein contained, may work such claim and transfer his interest therein to any permit holder, but where the surface rights of the land have been leased or are held under licence or location ticket issued by the Director a mineral claim may be staked but compensation must be made as provided hereinafter.
8. No person or corporation shall prospect for mineral or stake out a mineral claim on any part of any Indian Reserve used as a garden, orchard, vineyard, nursery or plantation or upon which crops, which may be damaged by such prospecting, are growing or on that part of any Indian Reserve upon which is situated any artificial reservoir, dam or waterworks or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the Director.
9. A water power lying within the limits of a mineral claim shall not be deemed to be part of the claim for the uses of the permit holder and a road allowance of one chain in width shall be reserved on both sides of the water,

together with such additional area of land as in the opinion of the Director may be necessary for the Development and utilization of such water power.

10. The Minister may, provided the same have not been staked or lease withdrawn from prospecting and staking out temporarily or permanently on lands within an Indian Reserve declared open for staking.

11. No person or corporation shall enter upon for prospecting or mining purposes or shall mine upon lands leased or held under licence or location ticket until adequate security has been given to the satisfaction of the Mining Recorder for any loss or damage which may be thereby caused and any person or corporation so entering, locating, prospecting or mining upon any such lands shall make full compensation to the lessee, licensee or locatee of such lands for any loss or damage so caused, such compensation in case of dispute to be determined by the Director.

12. Except as otherwise declared by the Minister, the rules governing the mode of staking and the size and number of mineral claims in force from time to time in the Province or in the part thereof within which any Indian Reserve is situate shall apply to the staking of mineral claims on any such reserve.

13. A permit holder or other person who for any purpose does any staking out or plants, erects or places any stake, post or marking upon any land open to prospecting except as authorized by these regulations, or causes or procures the same to be done, or who stakes out or partially stakes out any such land, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mineral claim thereon unless he notifies the recorder in writing of such staking out, partial staking out or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose, and pays to the recorder a fee of \$20 and procures from him a certificate stating that the recorder is satisfied that he so acted.

14. Substantial compliance as nearly as circumstances will reasonably permit with the requirements of these regulations as to the staking out of mineral claims shall be sufficient.

15. (1) A permit holder who has staked out a mineral claim or upon whose behalf a mineral claim has been staked out, shall within thirty (30) days thereafter furnish the recorder with an outline, sketch or plan of the mineral claim showing the corner posts and the witness posts, if any, and their distance from each other in feet, together with an application setting forth the name of the permit holder by whom the claim was staked out, and of the Permit holder on whose behalf the application is made, and the number of their permits, and such other information as will enable the recorder to indicate the claim of his office map, the length of the outlines, and if for any reason they are not regular, the nature of such reason, the day and hour when the claim was staked out and the date of application, and with the application shall be paid a fee of \$10 for each claim.

(2) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the permit holder who staked out the claim, showing the date and hour of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked

out as a mineral claim, that the deponent verily believes they were as open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing, or improvements for farming or other purposes except as set forth in the affidavit.

- (3) Where it appears that there has been an attempt made in good faith to comply with the provisions of these regulations, the inclusion of more or less than the prescribed area in a mineral claim, or the failure of the permit holder to describe or set out in the application, sketch or plan furnished to the recorder the actual area or parcel of land staked out shall not invalidate the claim.
 - (4) A permit holder by or on whose behalf an application is made to record a mineral claim shall at the time of the application produce the permit of the permit holder by whom the staking out was done and of the permit holder by or on whose behalf the application is made to the recorder, and the recorder shall endorse and sign upon the back of the last mentioned permit a note in writing of the record of the claim.
 - (5) The recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mineral claim which he deems to be in accordance with the provisions of these regulations, unless a prior application is already recorded and subsisting for the same, or for any substantial portion of the same lands or mineral rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.
 - (6) As soon as reasonably possible after the recording of the mineral claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the recorder on the application of any one misled by the lack of such tags. The recorder on application shall supply such numbered tags free of charge.
16. The staking out or the filing of an application for or the recording of a mineral claim, or all or any of such acts, shall not confer upon a permit holder any right, title, interest or claim in or to the mineral claim, other than the right to proceed, as in these regulations provided to obtain a certificate of record and a lease from the Minister.
- (1) Every application for a mineral claim and every other application and every transfer or assignment of a mineral claim or of any right or interest acquired under the provisions of these regulations shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee.
 - (2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of the next preceding subsection.
 - (3) Another person resident in the Province in which the mineral claim is situate may be substituted as the person upon whom service may be made by filing in the office in which any such application transfer or assignment is filed or recorded, a memorandum setting forth the name,

residence and post office address of such other person, and such substitution may be made from time to time as occasion may require.

- (4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection 3, and in case of such substitution upon the person substituted shall have the same effect as service upon the person whom he represents.
- (5) The provisions of the next preceding subsection shall apply to every notice, demand or proceeding in any way relating to a mineral claim or to mining rights or to any other right or interest which may be acquired under the provisions of these regulations.
18. (1) A transfer of a mineral claim or of any interest therein shall be in the prescribed form and shall be signed by the transferor or by his agent authorized by instrument in writing. Such transfer shall be recorded in the office of the recorder and a fee of \$2.00 paid by the transferee to the recorder for recording each claim or each interest in a claim transferred.
- (2) No transfer or assignment of or agreement or other instrument affecting a mineral claim or any recorded right or interest acquired under the provisions of these regulations, shall be entered on the record or received by the recorder unless the same is approved in writing by the Director and purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any instrument be recorded without an affidavit in the prescribed form, attached to or endorsed thereon, made by the subscribing witness to the instrument.
19. In the event of the Director receiving notice of any right or interest in any mineral claim claimed by any person or corporation other than the recorded holder thereof, the Minister may in his sole discretion, refuse to enter into any lease of said mineral claim until an instrument, executed by the person or corporation so claiming, releasing his, her or its claim, has been recorded or until a Judgment of a Court of Competent Jurisdiction has been recorded, defining the rights of the parties interested.
20. (1) The recorded holder of a mineral claim heretofore or hereafter recorded shall, within 5 years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows: At least thirty days' work within three months immediately following the recording of the claim, and not less than forty days in each of the remaining four years provided that in any one of the said five years ten days additional work shall be done to make up for the total of two hundred days.
- (2) The recorded holder of a mineral claim shall pay a rental of fifty cents per acre per annum for the area contained in the recorded claim for the third, fourth and fifth work years. The completion of the required work in two years will thereby relieve the recorded holder from the payment of rent under this section.
- (3) The work may be completed in a less period of time than herein specified. If more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of the same having been performed

shall be credited by the recorder upon the work required to be done during any subsequent year.

- (4) Boring by diamond or other core drill shall count as work at the rate of one day's work for every foot of boring and work by a machine drill operated by compressed air shall count as work at the rate of three days' work for each man necessarily employed upon each drill so operated.
- (5) The recorded holder of a mineral claim shall, not later than ten days after each of the periods specified, make a report as to the work done or caused to be done, by him during such period, verified by affidavit but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done. The report shall show in detail the names and residences of the men who performed the work and the dates upon which each man worked in its performance, together with a sketch of the claim showing the location of the work.
- (6) A permit holder may perform all the work required to be performed by him in respect of not more than six contiguous mineral claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied.
- (7) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.
- (8) The survey of a mineral claim in compliance with section 25 shall count as forty days' labour performed on the same claim.
- (9) Survey by a recognized geo-electrical or geo-physical method may be counted as work at the rate of one day's work for each man necessarily employed in each survey.
21. The period of time between the 16th day of November and the 15th day of April, both days inclusive, shall be excluded from the time for performing the first instalment of work, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work.
22. If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mineral claim, the work is not performed within the prescribed time, the Director may from time to time extend the time for the performance of such work for such period as he may deem reasonable and he shall forthwith enter a note of every such extension on the record of the claim.
23. (1) A permit holder may, at any time, abandon a mineral claim by giving notice in writing to the recorder of his intention so to do.
- (2) Non-compliance by the permit holder with any requirement of these regulations as to the time or manner of the staking out and recording of a mineral claim or with a direction of the recorder in regard thereto, within the time limited therefor, shall be deemed to be an abandonment, and the claim shall, without any declaration, entry or act on the part of the Director be forthwith open to prospecting and staking out.
24. (1) All the interest of the holder of a mineral claim before the lease thereof has issued shall, without any declaration, entry or act on the part of the Director cease and the claim shall forthwith be open for prospecting and staking out,

- (a) if the permit of the holder has expired, and has not been renewed
 - (b) if, without the consent in writing of the Director or for any purpose of fraud or deception or other improper purpose, the holder remove or causes or procures to be removed any stake or post forming part of the staking out of such mineral claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post;
 - (c) if the prescribed work is not duly performed and required rental not paid;
 - (d) if any report required under these regulations is not made and filed with the recorder in reference to the work performed as herein required;
 - (e) if the application for the lease required herein and initial payment thereunder is not made within the prescribed time.
- (2) The recorder upon any forfeiture or abandonment of or of loss of right in a mineral claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim and mark the record of the claim cancelled.
25. (1) Before a lease of a mineral claim in unsurveyed territory is issued the claim shall be surveyed by a Provincial Land Surveyor at the expense of the applicant who shall furnish to the recorder before or with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with the regulations governing the disposal of quartz mineral claims in the Province in which the claim is situated.
- (2) The Surveyor, before proceeding with such survey, shall examine the application and sketch or plan of the claim or certified copies thereof and before completing or filing his survey ascertain by careful examination of the ground and by all other reasonable means in his power whether or not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by the certificate signed by the surveyor in the following form:
- I hereby certify that I have carefully examined the ground included in mineral claim No.....surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (if none, so state, if any, give particulars).
- (3) The surveyor immediately after the completion of every survey of a mineral claim made by him shall deliver or forward by registered post to the Director a certified copy of the plan and of his field notes and the description of the claim.
- (4) Claims found upon survey to contain a greater area than that prescribed by the regulations of the Province in accordance with which such claims were staked shall be dealt with in the manner prescribed by the regulations of such Province.
26. All mineral claims shall be subject to any taxes, rates or other assessments which may be legally imposed and the holder of any mineral claim upon receipt of any bill therefor, shall pay same promptly.
27. The recorded holder of a mineral claim shall not at any time lop, top, cut down or destroy any timber or trees growing on the mineral claim further than may be necessary for the proper working of the claim.

28. Upon compliance with the requirements of the Indian Act and these regulations as aforesaid and upon application within one year from the date on which all work on any mineral claim is required to be performed, the claim holder shall be entitled to a lease thereof in the prescribed form for 21 years. The rent payable thereunder for the first 5 years shall be \$1.00 per acre per annum; for the second 5 years \$1.50 per acre per annum, and for the remaining 11 years \$2.00 per acre per annum with the right of renewal for further periods of 10 years, subject to such rentals, terms and conditions as may be deemed advisable by the Minister, provided the lessee shall furnish evidence satisfactory to the Minister to show that during the term of the lease or any renewal thereof he has complied fully with the provisions of such lease or renewal and with the provisions of the regulations in force from time to time during the currency of the lease or renewal and with the terms and requirements of the Indian Act.

P.C. 5605, 15th October, 1940.

28A. Notwithstanding anything contained in Sections 20 (1) and 28 of these regulations, the Minister or such officer to whom he may delegate the responsibility of recording mineral claims may grant (1) an extension of time up to 30 months within which the initial 30 days' work may be performed but such extension shall not affect the total five-year period as provided in subsection (1) of section 20 of these regulations. (2) An extension of time up to one year within which an application may be made for a lease of 21 years as set forth in section 28 of the regulations, provided that reasons and justification for the extension of time substantiated by sworn affidavit by the recorded holder of a claim are satisfactory to the Mining Recorder and subject to the payment in each case of the sum of \$2.00 for each claim so affected.

29. (1) There shall be paid to the Indian Affairs Branch on every mine acquired under the provisions of these regulations an annual royalty on any profits of such mine during any calendar year and the owner, manager, holder, tenant, lessee, occupier and operator of the mine shall be liable for and shall pay to the said Branch an annual royalty on the first day of May in each and every year as follows:—

1.	Upon annual profits up to \$100,000.00	3 per centum.
2.	On the excess above \$100,000.00 up to \$200,000.00.	4 "
3.	" " " \$200,000.00 " \$300,000.00.	5 "
4.	" " " \$300,000.00 " \$400,000.00.	6 "
5.	" " " \$400,000.00 " \$500,000.00.	7 "
6.	" " " \$500,000.00 " \$600,000.00.	8 "
7.	" " " \$600,000.00 " \$700,000.00.	9 "
8.	" " " \$700,000.00 " \$800,000.00.	10 "
9.	10 per cent on the excess above \$800,000.00.	

(2) The annual profits shall be ascertained and fixed in the following manner, that is to say: The gross receipts from the year's output of the mine, or in case the ore, mineral or mineral bearing substances or any part thereof is not sold, but is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine upon the premises or elsewhere, then the actual market value of the output, at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mine assessor shall be ascertained and from the amount so ascertained, the following, and no other expenses, payments, allowances or deductions, shall be deducted and made, that is to say:

- (a) The actual cost of transportation of any output sold if paid or borne by the owner, tenant, holder, lessee, occupier or operator;
- (b) The actual and proper working expenses of the mine, both underground and above ground, including salaries and wages of necessary superintendents, captains, foremen, workmen, firemen, enginemen, labourer and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;
- (c) The cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;
- (d) The actual cost price of food and provisions for all employees aforesaid whose salaries or wages are made less by reason of being furnished therewith; also the actual cost of fodder for horses used as above mentioned
- (e) The actual cost price of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (f) Any actual and proper outlay incurred in safeguarding or protecting the mine or mineral product;
- (g) The cost of proper insurance upon the output if paid or borne by the owner, tenant, holder, lessee, occupier or occupant and upon the mining plant, machinery, equipment and buildings used for or in connection with the actual mining operations, or for storing the ore or mineral;
- (h) An allowance of a sum for annual depreciation, by ordinary wear and tear, of the said plant, machinery, equipment, and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mine assessor;
- (i) The cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping, trenching or diamond drilling in or upon the lands upon which the mine is situated or upon any other lands belonging to the same owner, lessee, holder, tenant, occupier, or operator, within or upon the same Indian Reserve, such work having for its object the opening up or testing for ore or mineral; Provided, however, that such expenditure is bona fide, and actually made or borne by the person or persons liable or who would but for this provision be liable to a charge upon the said mine under these regulations, and that separate accounts of such expenditure are kept and an affidavit or affidavits giving reasonable details of the nature, extent and location of such work shall be furnished to the Director with the annual statement hereinafter provided for;
 - (j) All taxes payable or paid upon the profits of the mine or upon the profits of the mine or mining work, or upon the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.
- (3) No allowance or deduction shall in any case be made for cost of plant, machinery, or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock or investment, nor for depreciation in the value of the mine, mining land, or mining property by reason of exhaustion or partial exhaustion of the ore or mineral, but this shall not restrict the generality of anything hereinbefore in this section contained.

- (4) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding year shall be taken as the basis of fixing, assessing, and ascertaining the royalty hereunder, but the royalty payable shall nevertheless be deemed to be a charge for the calendar year in which it is payable.
30. The owner, lessee, tenant, holder, occupier, manager and operator of every mine from which ore, minerals, or mineral bearing substance is or are being taken, shall within ten days from the commencement of such active operations, notify the Director of the fact that such mine is in active operation, and shall give such notice the name of the mine, and the name and address of the owner, lessee, tenant, holder, occupier, manager and operator of such mine, and the name and address of the manager, or of some other person, to whom notices to be given under these regulations may be sent (to be known as the name and address for service), and shall forthwith notify such Director of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation, or operation of such mine, and of every discontinuance of active operations, and of every re-commencement thereof after discontinuance.
31. No person, shall ship, send, take, or carry away, or permit to be shipped, taken, or carried away from the mine from which the same has been taken, any ore, mineral, or mineral bearing substance, or any product thereof, until such person has notified the Director that the mine from which the same has been taken is in active operation.
32. (1) Every owner of any mine in active operation shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 1st day of March in every year, deliver to the Director a detailed statement in which shall be set forth:
- (a) The name and description of the mine;
 - (b) The name and address of the person or persons, owning, holding, leasing, managing, occupying and operating the same;
 - (c) The quantity of ore, minerals, and mineral bearing substances shipped or sent from or treated on the mining premises during the year ending 31st December last preceding;
 - (d) The name or names of the smelter or mill and locality to which the same or any part thereof was sent;
 - (e) The cost per ton for transportation to the smelter, refinery or mill, and actual, proper and necessary expenses of making sale, if any, and by whom paid or borne;
 - (f) The cost per ton for smelter or mill charges, and by whom paid or borne;
 - (g) The quantity of ore, minerals, and mineral bearing substances treated on the mining premises during the said year;
 - (h) The value of the ore, minerals, and mineral bearing substances shipped after deducting the charges for making sales, and for transportation or for treatment;
 - (i) The value of the ore, minerals, and mineral bearing substances treated on the mining premises.
- And such statement shall also show in another column or columns, with reasonable detail, the various expenses, payments, allowances and deductions which are proper to be made under the provisions of these regulations; and such statement shall show by way of

summary the total receipts or market value at the pit's mouth the year's output, as in these regulations specified, and the total amount of expenses, payments, allowances, and deductions provided under these regulations to be deducted therefrom, and the balance of profits for the year as in these regulations provided.

- (2) Such statement and information required by this section shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of such mine; but the Director or any mine assessor may require such information and statement, or a part thereof, to be given or verified under oath by any other or others of such persons, or by any person connected with the ownership, operation, or management of any such mine, and may in addition to the particulars above detailed require any other information, particulars or statements that may be thought expedient, and such requisition or requisitions may be made at any time or times the same may be deemed proper.

33. (1) Every person liable to pay any royalty hereunder shall keep at or near the mine, proper books of account of the ore, minerals, or mineral bearing substances taken from the said mine, containing the quantity, weight and other particulars of the same and the value thereof, and showing the returns of the amounts derived from the sale of such ore, minerals, and mineral bearing substances; and no ore, mineral or mineral bearing substances taken out of any mine shall be removed therefrom or treated at any smelter, mill or refining works, until the weight thereof shall have been correctly ascertained and entered in the said books of account; and such person shall also keep proper books showing each of the several expenses, payments, allowances or deductions mentioned herein, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable.

- (2) If any doubt arises as to where such book or books shall be kept or to how many, or what books shall be kept, the mine assessor shall determine the number and character of books to be kept and the place or places at which they shall be kept.

34. On the first day of March in each and every year during the currency of any quartz mining lease, the lessee shall file with the Director accurate plans of all underground workings at that date on the lands demised.

35. "Mine" as referred to in the royalty provision aforesaid shall include any opening or excavation in, or working of the ground for the purpose of mining, opening up or proving any mineral or mineral-bearing substance, or any ore body, mineral deposit, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine.

36. The Minister reserves the right to make such additional regulations from time to time as may be necessary or expedient in the public interest governing the development and operation of any mineral claim or mine acquired under these regulations.

SCHEDULE OF FEES AND RENTALS

Permit to prospect or renewal thereof.....	\$ 5.00
For recording each claim staked out by a permit holder.....	\$ 10.00
Rental of mining claim held under prospector's permit, Third, Fourth and Fifth years, per acre.....	\$.50
Rental payable under lease first five years \$1.00 per acre per annum; for second five years \$1.50 per acre per annum and \$2.00 per acre per annum for remaining eleven years.....	
For filing transfer or agreement to sell or transfer whole or part of a minimum claim.....	\$ 2.00
For recording extension of time for performing working conditions..	\$ 3.00
Application fee for lease of mineral claim.....	\$ 5.00
For certificate relieving from disqualification under Section 13.....	\$ 20.00
For abstract or copy of entries in record book respecting any mineral claim per folio (100 words) 10 cents. Minimum charge per claim.....	\$.25

SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE
(AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14

THURSDAY, JULY 18, 1946

APPENDICES

OTTAWA
EDMOND CLOUTIER, B.A., L.Ph., C.M.G.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946



MINUTES OF PROCEEDINGS

THE SENATE,

Thursday, 18th July, 1946.

The Special Joint Committee of the Senate and House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee met this day at 11.00 o'clock a.m. The Joint Chairmen: The Honourable Senator F. Johnston and Mr. D. F. Brown, M.P., presided.

Present: The Senate: The Honourable Senator Johnston.

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Blackmore, Brown, Bryce, Case, Charlton, Farquhar, Gariepy, Gibson (Mox-Alberni), Harkness, Little, MacLean, MacNicol, Matthews (Brandon), Raymond (Wright), Reid and Richard (Gloucester), 18.

The meeting was held in camera for the purpose of considering the present and future agenda and procedure of the Committee.

It was agreed that the subcommittee on agenda and procedure will draft a sessional report for consideration by the Joint Committee at the appropriate time.

It was agreed that there be printed as appendices to these minutes such briefs as have already been filed with the Committee.

The Committee adjourned at 1.00 o'clock p.m., to meet again on Tuesday, 3rd July next, at 11.00 o'clock a.m.

T. L. McEVOY,
Clerk of the Joint Committee.

BRIEFS SUBMITTED TO
SPECIAL JOINT COMMITTEE ON THE INDIAN ACT

APPENDIX	W.—Western Canada-Yukon Fish and Game Council.....	P
“	X.—Society for the Furtherance of British Columbia Indian Arts and Crafts.....	
“	Y.—Okanagan Society for the Revival of Indian Arts and Crafts.....	
“	Z.—The Indian Council Fire of Canada.....	
“	AA.—Board of Trade, Cochrane, Ontario.....	

APPENDIX W

WESTERN CANADA-YUKON FISH AND GAME COUNCIL

9-10 Wells Block,
Calgary, Alberta,
May 14, 1946.

At the annual meeting of the Western Canada-Yukon Fish and Game Council, which comprises every parent organization in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba and the Yukon, numbering close 25,000 sportsmen affiliated with the organizations concerned, the following resolution was presented:—

Moved by Mr. G. E. Watt, Calgary, Alberta, seconded by Mr. J. B. Ashington, Vancouver, B.C.

That this Council recommends to the Federal Government the revision of the Indian Act, so as to provide full protection during the breeding season of our game and game birds, and the spawning of our fish generally.

Further, that whilst this Council and its affiliates have every sympathy for and recognizes the rights of the Indian population for protection under the Indian Act, it is respectfully submitted that this Indian Act is now outmoded, especially in so far as the protection of wild game and fish are concerned.

Further, that due to the alarming inroads of present day life into stands of wild life and fish generally, evident it is incompatible with conservation that any section of the community shall be permitted to kill big game, game birds or fish during their breeding and spawning season, which is the safeguard of all wild life and the fundamental principle of conservation.

Further, that in lieu of these rights to fish and hunt at all times and in all seasons, and due to the sub-standard mode of living now evident in the increasing numbers of Indians throughout the West, that the Federal Government, whose wards these Indians are, be required adequately to recompense all Treaty Indians.

Moreover, this Council and its affiliates sympathize with and recognize the difficulties of the Indian population of the West and earnestly suggest the time is overdue for an overhaul of the Indian Act for better treatment of the Indians.

Carried unanimously.

Respectfully and earnestly submitted.

G. M. SPARGO,
Secretary-Treasurer.

APPENDIX X

INDIAN WELFARE IN BRITISH COLUMBIA

A BRIEF PREPARED AND SUBMITTED BY THE SOCIETY FOR THE FURTHERANCE
OF BRITISH COLUMBIA INDIAN ARTS AND CRAFTS, JUNE, 1946

Having learned on reliable authority that certain revisions of the Indian Act are contemplated by the Indian Affairs Branch of the Federal Department of Mines and Resources, this society begs to offer the suggestions which follow this brief.

FOREWORD

In the opinion of our society, Education, Health and Social Services for Native Indians should be administered through the provinces. Common aims and standards would develop a bond of unity between the Indian people and the general population and would increase the rate of progress in these fields.

Public Health Services in British Columbia have already been made available to the Indian Department by the Provincial Government, and in districts where these facilities have been used, the results have proved very successful. Similar arrangements with the provinces in the fields of Education and Social Service could be administered with marked profit to the native Indians.

It is essential that the trained personnel selected to serve in these areas should be equipped with a knowledge of the history, customs, temperaments and traditions of the districts in which they serve.

Health

1. We recommend immediate attention to the care of Indian health by the increase of medical staffs and hospital accommodation for the treatment of active disease. Special provision should be made for the control of tuberculosis and venereal diseases at all ages including personal, individual training on the Reserves in preventive measures.
2. Supervision by trained welfare workers in applying remedial and preventive measures and establishing good health habits on Reserve. Teaching of Health subjects in all schools, with daily supervision and other incentives to habit formation.
3. The immediate removal of existing unsanitary conditions in Reserves including dilapidated houses and other conditions contributory to disease and general ill-health and slovenly habits.

Education

1. The readjustment of the educational system along the following lines:
 - (a) The substitution of Day Schools in proximity to the children's homes for Residential Schools.
 - (b) The provision of Junior High Schools, Technical Schools, and courses in Native Crafts to encourage preparation for self-supporting occupations along various lines.
 - (c) The provision of adult education in industrial and occupational fields and the introduction of facilities for lectures, discussions and other recreational activities.

NOTE.—The aim of these reforms is to remove existing inequalities between the life of the Indian and that of the rest of the Canadian population.

From the outset, the educational opportunities offered the Indian should be equal to that offered to all other Canadians. In leaving school, the Indian boy or girl should not be placed at a disadvantage in comparison with his fellow Canadians.

HEALTH SERVICES

1. *Medical Services*

To combat the present high mortality rate among native Indians, especially among children, we recommend the expansion of medical and nursing services by baby clinics, etc., without delay.

Doctors, nurses and welfare workers should be specially trained to work among the Indians of this province.

To facilitate the coverage of large districts, travelling vans should be provided to work from a centre as headquarters; for coastal points, boats should be used.

Emphasis should be placed upon health education and practical demonstrations on First Aid, infant care in the home, control of tuberculosis and other diseases.

Social Services

We recommend the appointment of trained persons to do welfare work on reserves.

Inasmuch as present welfare problems among the Indians arise largely from health needs, social service workers should be specially trained to approach their tasks from the "medical-social service" standpoint. (Recognized courses in Medical Social Work have been established for some years at McGill University. Steps have been taken towards the establishment of a similar course at the University of Toronto and the University of British Columbia.) Sympathetic, systematic demonstrations on healthful habits in the home should be given, illustrating—

- (a) care of the person
- (b) choice and cooking of foods
- (c) cleansing methods for clothing and household equipment.

The ill effects of living upon too much canned food should be stressed. Instruction should be given concerning well-balanced diets suited to Indian life and needs.

In carrying out this work, the assistance of the Provincial Dietitian, and of dietitians in hospitals and other institutions which serve the Indians, should be utilized. Under provincial direction, a vigorous, co-ordinated attack upon the problem of malnutrition among native Indians should be instigated.

Living Conditions and Housing

1. We recommend the construction of modern houses to act as models for future housing.

Overcrowding should be prevented. The custom of simultaneous occupation of the same dwelling by several generations should be discouraged.

2. Adequate water supply and sanitary arrangements should be provided and their utilization supervised, also the regular destruction of waste materials.
3. Vegetable and fruit gardens should be encouraged.

REFORM IN EDUCATION

Day Schools

We recommend the use of Day Schools on Reserves for Grades 1-6 for the following reasons:—

- (a) Young children would be eased the shock of removal from family life. The restrictions, discipline, exclusive use of English, etc., of the Residential Schools are now recognized as having a far-reaching harmful effect on immature minds and bodies.
(The beneficial effect upon young children of maintaining normal family relations has been conclusively proved by recent war experience in Britain, where children who remained within the family showed comparatively little ill effect from the blitz, while those removed to safety away from their parents, often suffered serious shock.)
- (b) The amount of time devoted to school maintenance and agricultural chores at Residential Schools could be devoted to essential studies, physical exercises and organized games.
- (c) Day Schools on Reserves would permit practical demonstrations on actual building construction and at the same time would serve as a community centre for various desirable activities. Playgrounds would be available for physical training.

The Day School should be made an intrinsic part of the life of the Indian community.

We would urge that only experienced principals, trained teachers, and with an understanding of Indian life and background be placed in charge of schools attended by Indian children.

We recommend that the Provincial Curriculum be followed closely as possible in all schools so that graduate students may take their place without handicap in the larger community.

We also recommend the early introduction of such group activities as Junior Red Cross, Scouts and Girl Guides.

We recommend that organized games, physical education be stressed throughout the entire school course, and that initiative and leadership in all school and recreation activities be encouraged.

For the restoration of proper pride of race among the native peoples, we strongly advocate measures for encouraging the gathering of Indian songs, legends, tribal designs, etc., and their utilization for decorative and other commercial uses.

JUNIOR HIGH SCHOOLS AND HIGHER EDUCATION

We recommend that Junior and Senior High Schools be established in buildings now used as Residential Schools.

Two types of courses should be offered to boys and girls who have completed the Sixth Grade school requirements:

- (1) High School Graduation.
- (2) Matriculation.

Nine out of every ten entrants would probably choose the High School Graduation course. This should offer a common core of subjects corresponding to that offered in Provincial Junior High Schools including Health, Physical Training, Social Studies (including family responsibilities), business arithmetic, English, music, art and handicrafts.

Much guidance should be given on choice of optional courses such as carpentry, mechanics, electricity, agriculture, horticulture, stock breeding, forestry, fishing, art and design, wood carving, typing, shorthand, etc.

When students select the Matriculation Course and give evidence of qualities which fit them for professional study of university standards, they should take their last two years of High School work at a "white" school. Through this arrangement the transition to University would be rendered less difficult and establish closer relationship with "white" companions.

Those desiring to enter University would need at first much special guidance. Many lines of professional achievement are open to youths with keen observation, retentive memories and the manual dexterity so characteristic of B.C. Indians. Both boys and girls could train advantageously as teachers, mechanics, workers and technicians in medical and health fields, with a view to practicing these skills among their own people, and selected candidates be prepared for Social Work Training.

Provision must be made for attracting girls to the values and interest of modern home-making methods.

The introduction of what are known as Practice Houses for girls of 16 and upward is strongly urged. Groups of six or seven young girls live for at least two months in simply but conveniently equipped houses where they learn to carry out every type of household and child care, under the supervision of a resident teacher. The course, following 2 or 3 years of theoretical teaching in High Schools, can be rendered attractive and valuable as has been demonstrated at centres in both the United States and Canada.

ADULT EDUCATION

We recommend that programs of adult education be carried out in all Indian communities for the following reasons:—

1. So that the Indians can study and equip themselves for the duties and responsibilities of Canadian citizenship.
2. In order to equip them to take an active part in their own program of health improvement.
3. To develop leadership among themselves.
4. To provide opportunities for social intercourse and discussion with fellow Canadians.

The Folk Schools of Denmark, which provide adult education for people with little previous formal education, offer a practical example of what might be achieved among native Indians; while the successful establishment of a Fisherman's Co-operative among young Indians at Nootka, B.C., has proved that co-operatives can be successfully managed by the Indian people themselves.

Selected Indians could help carry out the programs of adult education after preparatory instruction in such subjects as the following:—

Personal responsibilities in health maintenance, constructive suggestions on industries and occupations; skilled handicrafts and their market value; duties to families, neighbours and country, revival of tribal history, legends, etc.

The establishment of camps along the lines of the C.C. Camps in the United States would also prove of value. Instruction here should include forestry, care of stock, agriculture, repair of houses and surroundings, gardening, construction of buildings, repair and maintenance of roads and bridges, etc.

The Teaching Staff:

It is of very great importance that the most efficient teachers should be induced to undertake service in Indian schools.

Of corresponding importance is the preparation of the teacher for the special problems which he must meet in his work. It would be necessary for the student teacher to devote some weeks to a study of Indian history, tradition and temperament. Through his understanding and appreciation of their accomplishments, the teacher must overcome the widespread Indian tendency to an inferiority complex, reawaken wholesome pride of race so that he will arouse ambition in the Indian to exercise his latent capacity to its utmost.

Gifted teachers need encouragement to take up this arduous work and should be rewarded with corresponding higher salaries.

The sense of isolation could be reduced by the organization of centres to which teachers and welfare workers might resort for week-end recreation and discussion. Summer courses, and other forms of conference, should be organized so that teachers, inspectors, welfare workers, Indian agents and others could meet from time to time to work out common problems.

The Inspector of Indian Schools should be a man of special qualities, intimately acquainted with the Indian's background and temperament and sympathetic towards his problems.

INDUSTRIES AND OCCUPATIONS

The vast area of British Columbia, with its wide variations, geological and climatic, provides a variety of industries and occupations. In considering these, the province may be roughly divided into three sections:—

- (1) The Pacific Coast and adjacent islands, including Vancouver Island and the Queen Charlotte Group.

- (2) The southern area of the Interior extending from the Coast along the Fraser and Thompson Rivers through what is known as the Dry Belt, the Okanagan and Kootenay country to the Rocky Mountains.
- (3) The vast Central Section extending north to the extreme limits of the Province and East to Alberta. It embraces many rivers, great lakes and mountainous areas including the remote Peace River section, much of which has only become accessible since the introduction of motor transport.

1. *Coast Indians*

The tribe located in this district are born fishermen, skilful navigators, efficient in woodcrafts and forestry, highly artistic and intelligent. Encouragement should be given to these people to enter grainful occupations by offering the following optional courses:—

Mechanics; Electricity; Forestry; Fish preservation and handling of fish products; Metal work; Handicrafts and Art Work in various forms.

Such courses could be given at Residential Junior High Schools or Technical Schools at convenient centres as suggested in a previous section.

2. *Indians of the Southern Interior*

The people of the Southern Interior did not develop industries or arts comparable with those in the Coastal district due to varying ecological conditions. A few today carry on horse and stock breeding and these should be encouraged. Others should be persuaded to enter into the industries of fruit farming and gardening, using modern methods as demonstrated by Government experimental farms. In this connection, irrigation projects should be encouraged whenever possible.

Native industries among the women, such as beadwork, weaving and the manufacture of coiled and imbricated baskets should be encouraged by insuring a good market with fair prices. Instruction in these industries and other handicrafts should be made available at existing schools or at conveniently located centres.

3. *Indians of the Northern Interior.*

The Northern Interior of British Columbia is now assuming much importance due to the mineral wealth recently brought to light. In this work Indians have been found to be of great assistance by reason of their abilities as trail blazers, prospector's assistants, packers, etc. Opportunities should be extended to these people to obtain technical training fitting them to take an even more active part in the development of the mineral resources of this Province.

Trapping forms an important part of the occupation of natives in this area, and steps should be taken to see that their rights in this form of livelihood are adequately safeguarded.

Canada is a country of many peoples. She can only rise to her full strength when all ethnic groups are enabled to make their individual contributions to the national pattern. The Indian, with his rich background of native lore, artistry, and tradition, has a special contribution to make to Canadian culture. Every encouragement should be given to him in order that he may take his rightful place in the building of this great new land.

(Mrs.) JOAN TULLIS,
Vice-President.

APPENDIX Y

RECOMMENDATIONS SUBMITTED BY THE OKANAGAN SOCIETY
FOR THE REVIVAL OF INDIAN ARTS AND CRAFTS, JUNE, 1946,
TO THE SPECIAL JOINT COMMITTEE OF THE SENATE AND
HOUSE OF COMMONS APPOINTED TO EXAMINE AND CONSIDER
THE INDIAN ACT

These Recommendations to be considered in conjunction with this Society's brief entitled *Native Canadians, a Plan for the Rehabilitation of Indians* submitted to The Committee on Reconstruction and Re-Establishment, Ottawa, 1944.

ENDORSED BY: Agassiz Branch, Okanagan Society for the Revival of Indian Arts and Crafts; Council of the Society for the Furtherance of B.C. Indian Arts and Crafts, as per letter from Council Secretary, dated 5th July, 1946.

RECOMMENDATIONS

The Okanagan Society for the Revival of Indian Arts and Crafts herewith submits to the Joint Committee on Indian Affairs a plan for the Rehabilitation of Indians. This Brief, entitled—"Native Canadians, A Plan for the Rehabilitation of Indians" was submitted to the Committee on Reconstruction and Re-Establishment, Ottawa, in May 1944 and a copy is attached hereto for your consideration. It has been reprinted several times since then and has had wide circulation and wholehearted approval from interested persons, Indian and white, over the whole of Canada as will be clear to you from records of the Committee on Reconstruction and also from records of endorsements sent direct to the Indian Affairs Branch in 1944 and 1945.

In the two years since our study was made this Society has found little to add to the main points therein outlined. However, this further submission will touch upon matters not sufficiently emphasized in the Brief, and upon material not covered by it.

It is clear to us that a great demand is coming from Indians, and particularly Indian veterans, for vast improvements without delay. An Indian fights for democracy and obtains the vote, his son has no vote. He notes in the armed services the care given to food preparation, sanitation, anti-pollution measures and health. The Native Brotherhood of British Columbia states that returning service men "are not in the least satisfied to see the same old conditions of poverty existing among their old people". Young Indian farmers attended the 1945 Convention of the B.C. Federation of Agriculture to ask for help in pressing for improvements. "Loans for seed and machinery are most necessary" they stated, "but the Indian Department has always pleaded lack of funds". In our own district a young man with ambition to improve his education has sent in an application to the Indian Agent (as a veteran) for a correspondence course; as he has been unable to obtain a reply he is pressing this Society to intervene with the Indian Agent on his behalf.

A long range policy is needed with the over-all aim of the total emancipation of the Indian, at his own pace and as he wishes, fundamental to this being the establishment of democratic practices, provision for opportunity to make a living, full health care and a proper educational program.

In addition to the points developed in the Brief which we present for your consideration, we should also like to call attention to the following matters:—

Reserves.

A comprehensive survey should be undertaken of all Reserves in order to ascertain whether the Reserve can maintain the present population, and whether facilities will permit the natural increase in population also to make a living.

A survey would establish the fact that in B.C. for instance, a great part of the Reserve lands in the interior are of little value without irrigation being made available to those sections of land capable of being brought under cultivation. It is not possible for present occupiers to better their condition unless they can make proper use of the land through utilization of fundamental essentials.

1. If the survey finds there is not sufficient grazing or arable land to sustain the population, then additional land should be made available. A case has been brought to our notice where summer grazing is too limited to meet requirements of the Band whose vocation is cattle ranching. The herd could be considerably increased by allotting more grazing ground from the Government lands on the mountain slopes directly adjoining that particular Reserve.

In order to safeguard the future of the Indian population, no land from the present Reserves should be disposed of, unless there is a very decided voluntary movement of the Indians themselves away from the ancestral occupations.

This suggested survey would reveal the state of living conditions on the Reserves, further it would bring to light:—

- (a) Condition of the main road into the Reserve.
- (b) Health and sanitary conditions, domestic water supply, etc.
- (c) Facilities for education both on and adjacent to the Reserve.
- (d) Recreational facilities on the Reserve.
- (e) Possibilities for more suitable industry to supplement that already being practised.
- (f) Vocational training possibilities.
- (g) Best ways and means to foster revival of native arts and crafts.

Indians not on Reserves.

(This does not refer to nomadic Indians of the North.)

While those anxious to continue on the Reserve lands should be given far greater encouragement and assistance, there should be a definite system of help for those who wish to set up for themselves, either as individual farmers or ranchers, or in the many other occupations for which they have aptitude. After some generations of dependency under which Indians have not been permitted to make any business decisions for themselves, they can hardly be expected to attain high standards without strong support being given them in their endeavour. Tactful and not interfering assistance is needed in the construction of modern houses in suburban areas, advice as to vegetable gardens, home-making, child care and so on, so that slum conditions may not arise through lack of knowledge.

Education.

We wish to give all possible emphasis to our previous recommendations in "NATIVE CANADIANS" pages 17-18 on the community centre and adult education, for only by reaching the young adult, particularly the young mother, can any real progress be achieved. Health, home-making, child care and recreation are all crying needs today. On some Reserves poor condition of moral behaviour can be attributed mainly to the fact that there is nothing of interest for the young people to do. Adult education facilities should be readily available to all. Vocational training for young people is essential. Trained welfare workers with a thorough background of the social sciences should be in charge of such centres if the Reserve is large enough; if not, a system of travelling vans could have a settled route to cover each week, bringing demonstrations, films, such as those of the National Film Board Circuits, possibly radio programs, discussions, clinics, and most certainly recreational facilities. The program offered in some rural areas by the Dominion Provincial Youth Training Schools provides a very acceptable model for this work.

All institutions of learning must be open to native Canadians on a merit basis. We point to the amazing record of Indian doctors, lawyers, nurses, teachers and ministers who have absorbed an academic education. There is evidence of accelerated progress made by children who have transferred from Indian to the regular public schools. As long as Indians remain wards of the Government, no Indian proving worthy of higher education should be deprived of the means to enable him to qualify for professional or executive positions. To illustrate our point we quote from a letter written by Mr. Eric J. Dunn, Principal of the Alberni District High School, dated 7th September 1937. (A copy of this letter was passed on to us by the Society for the Furtherance of B.C. Arts and Crafts, Victoria, and had been addressed to Mr. F. E. Pitts.)

Quote:

I have been informed there seems to be some possibility of three Indian boys not being able to continue at school. In my opinion if such should happen it would be nothing short of a tragedy. I have been teaching school here for ten years and can unhesitatingly state that Eddie and Willie are by far the most brilliant all-round pupils I have encountered. Should they continue I feel morally certain that either will have an excellent chance for the Provincial scholarship. It would be a shame if these two boys who are probably the first Indians who have had the opportunity of leading the Province, should be deprived of the chance. I feel sure that if you consult any member of my staff you will find that my views are shared by every teacher here . . . I trust you will use every means in your power to have them enabled to complete the High School. Signed—**ERIC J. DUNN.**

Mr. A. E. Pickford, Bibliographer of the Victoria Society informed us that one of these young students had wished to become a doctor and the other a lawyer each to act in these professional capacities on behalf of their people, but the desire of these two lads had been frustrated through lack of interest of those Government officials who were responsible for local education.

As Mr. Pickford comments, "the letter from the Alberni High School contains a measure of eulogy which will be very helpful in proof of the proposition that Indian children have a mental equipment which entitles them to the very best education which the country can afford." It may be of interest to the Joint Committee to learn that one of the lads in question is working as a fisherman on the West Coast of Vancouver Island, the other was killed overseas serving with H.M. Forces.

It is unnecessary to emphasize the fact that this is a direct reflection on our Government's policy towards the native Canadians, wards of the Government, in whose cause we plead for justice.

Beautiful paintings and other works of art executed by young Indian children of the Inkameep and Lytton Indian Schools and which won some of the highest awards in the Royal Drawing Society's War Time Competition, London, England, in 1940-41 and 42 testify as to the value of native art, which if encouraged and not stifled can constitute a real contribution to the arts and crafts of this Dominion. It is worthy of note that Her Majesty Queen Elizabeth acquired one painting executed by Sis-hu-ulk of Inkameep, for her private collection.

The educational system must be improved rapidly in order to remove the disadvantages of the present often third-rate curriculum. We endorse the urgent appeal for more day schools, and for semi-residential schools where geographical factors make the day school impossible—all these schools to give an education at least equal to that in the regular schools of the province. We suggest that since education is at present a prerogative of the provinces that

Indian education should likewise be transferred to provincial control in order to gain some equality for the Indians in the places where they live. Since in B.C. some 250 Indian children already are receiving education in public, elementary and high schools such arrangements can easily be made. Where possible a school bus can pick up the children and take them either to the Reserve school or to a nearby public school. A bus would be particularly necessary with a semi-residential school in order that the students might get home at the week-ends. Since the Reserves do not come under Provincial taxation for school purposes, federal and provincial authorities could work out some suitable arrangement.

Agricultural Education

The white citizen farmer can avail himself at all times of the knowledge and experience of those in charge of our Dominion Experimental Stations as also of the services of Provincial Government District Horticulturists and Agriculturists. It is suggested that these facilities be made more easily available for Indians, and also that special instructors be appointed whose work will be to stimulate, encourage, and instruct Indian farmers, cattle ranchers, etc., urging them to take advantage of the present facilities. Young Indians should be encouraged to qualify as instructors to fill these posts.

Reforestation

Youths showing special ability at school might qualify for a special practical reforestation course and those proving competent should be given every assistance to qualify for higher executive positions. Reforestation of depleted Reserves as well as proper care of existing stands of timber on the Reserves should be given immediate consideration. The Reserves could be used for practical demonstration and training. The Indian's background makes him especially suitable for this type of work.

Fishing and Trapping

Steps must be taken by the Federal and Provincial Governments to ensure that Fishing and Trapping Rights are more closely safeguarded for the Indians. It is most advisable that Indians should be instructed and encouraged in the conservation of wild life, which has, and is still being sadly depleted to the point of extinction in some cases.

Health

In addition to our previous recommendations on "Health" we suggest that travelling T.B. Clinics whose itinerary covers the whole Province to control T.B. among the white population, should be extended to include and take care of all the Indian population on the different Reserves. Strictest control is necessary to combat the spread of this devastating disease among our Indian people.

Transportation—Roads

Indians on small Reserves such as are the rule in B.C. cannot own their own road grading equipment. The approaches to some of the Reserves are not even worthy of the name of "trails". It is suggested that at least the main road into a Reserve should be graded at specified intervals, the Dominion making some arrangement with the provinces for this purpose.

Improvement of the roads is a prerequisite to the institution of much of the health and education program. A school bus cannot travel over the present rough tracks nor could travelling adult education workers visit the Reserve regularly. In our own district the V.O.N. Nurse appointed to make a weekly visit to the Reserve, is very often precluded from doing so (for weeks at a time) owing to the impassable state of the road. Thus even this health service is denied those who would be benefited greatly from regular visits.

Indian Agents

Your Committee should, in our opinion, investigate thoroughly the matter Indian Agents. Who appoints them? How are they recruited? How trained? What qualifications are required? Do they receive any in-service training? How many of their dictatorial powers are necessary to-day?

We endorse some curtailment of powers, as outlined in the Brief of the Protective Association of Indians and their Treaties of Saskatchewan", September, 1945. A man placed in the position of prosecutor, judge, jury and defence cannot be expected to produce impartial British justice.

Power of Chief and Council

The present position of Chief and Council is little better than a debating society. These elected officials should be regarded as a municipal council with similar powers within their territory. They should be able to use the money of the Band at least for minor improvements without obtaining permission of the Government. By them using moneys of the Band for minor improvements they can progressively attain that state where they become capable of handling all their resources. They should have law-making and law-enforcement powers similar to those of municipal councils. They should be entitled to receive remuneration for their activities, as municipal representatives do.

Franchisement and Parliamentary Representation

Many native Canadians are opposed to enfranchisement, seeing as a hollow mockery the granting of a vote in exchange for all tribal rights, rights in land and property and so forth. There is in our opinion no reason why Indians should be given the vote immediately, without any qualification or reservation whatsoever. They were given the vote thus in the United States in 1934. However, it should be a matter entirely for the Indians themselves to decide through their own organizations. They have discussed the possibility of electing, at the time being, Indian representatives to Parliament, perhaps one to a province, representing Indians only in order that they may be free from political manoeuvring. The Native Brotherhood of B.C., The Indian Association of Alberta, The Union of Saskatchewan Indians, are three Provincial Groups comprising most of the Indians of their respective provinces; who have already had considerable practice in electing executives and so forth and are no doubt capable of electing one of their members to represent them in Parliament.

The plan for separate representation may tend to perpetuate separatism and reinforce the ideas of those who would keep the Indian apart, but for the present it seems the only feasible method by which the Indian may have a voice in his own affairs.

United States Administration

We first strongly urge your Committee to call as witness a member or members of the United States Indian Affairs Department. In the last 15 years the whole attitude of the United States Indian Administration has completely changed and is still in a state of revision. Our Brief ("Native Canadians") gives a short outline of the underlying philosophy and the start of the achievements, further detailed study would be invaluable in the formation of a new policy in Canada.

Indian War Veterans

We urge that Indian veterans of the Second World War participate in the matter of gratuities, benefits and other privileges in connection with rehabilitation, on the same basis as white veterans; for this reason we endorsed a resolution passed in May by the Indian Association of Alberta.

That all Indian veterans in Canada be eligible for an additional sum of \$3,500. This additional sum will be a loan through the proper channels of rehabilitation and the Department of Veterans Affairs. This loan will be repaid on amortized instalments over a period of 25 years with interest at 3 per cent per annum. An additional down payment of 10 per cent would be furnished from the Band Funds to which the veteran belongs.

Attitude of Other Canadians

The Indian Affairs Branch must have at its disposal sufficient funds and well trained personnel to put Indian achievements and possibilities before the public in a sympathetic manner through exhibitions, radio, films, press notices, etc., etc. Race prejudice must be defeated and the public must be educated in tolerance, friendliness and understanding. The public is itself responsible for the serious state of Indian Affairs, and yet it is from the public, as well as from the Indians themselves, that demands have come for reforms. A speaker in the House of Commons stated (22nd September, 1945, Canadian Press Report):—

I believe the time has come or is fast approaching when we should give earnest consideration to changing the emphasis, and thinking not so much of building up the Indians to our standard of living, *but of developing a program that would prepare the hearts and minds of our own people to receive the Indian on a basis of equality.* There are many Indians who are our equal in knowledge, in ability and in service.

Finally, we ask that the Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act should earnestly consider our brief—"Native Canadians" and these submissions made in the hope that they may be instrumental in furthering the cause of our Indian citizens. As the writer, Hazel Robinson, points out:—

The race that had evolved a knowledge of astronomy equal to that of Europeans when the first white man came, is capable of ventures into the realm of abstract thought. The people who had developed and practised a free and beautifully conceived democracy hundreds of years before even the idea was born amongst the suffering people of the Old World have other contributions to make to our democratic way of life. The minds that evolved the system of sending messages centuries before the telegraph was dreamed of can evoke modern miracles for the benefit of their own and the white race.

The sensitive artistry and deft fingers of their artisans who produced unbelievably beautiful silver and gold work, jewel cutting, pottery weaving and basketry, are ready to give Canada a truly native handicraft.

Up to the present day they have been stunned and stultified by the tragedy which has engulfed their race. Now, with our good neighbour assistance, with tolerance, understanding and friendliness we may help to restore, and even better—help this fine people to restore themselves to their proud heritage. Thus Indian and white men alike can measure up to their full stature and responsibility as Canadians.

We desire to place on record the fact that this Society has, on separate occasions, endorsed the following:—

1. Suggestions on the encouragement of arts and crafts in the *Indian school of British Columbia*, by Miss Alice Ravenhill. President of the Victoria Society for the Furtherance of B.C. Indian Arts and Crafts, in October 1942.
2. *Memorial on Indian Affairs*, presented by the Indian Association of Alberta, September 1945.

3. 2nd Memorial on Indian Affairs, presented by the Indian Association of Alberta, 1946.
4. Brief submitted by the Protective Association for Indians and their Treaties of Saskatchewan, October 1945.

OKANAGAN SOCIETY FOR THE REVIVAL
OF INDIAN ARTS AND CRAFTS

VER, 17th June, 1946.

ALBERT MILLAR,
President.

NATIVE CANADIANS

A PLAN FOR THE REHABILITATION OF INDIANS

Submitted to the Committee on Reconstruction and Re-establishment, *et al.*, by The Okanagan Society for the Revival of Indian Arts and Crafts, *et al.*, B.C.

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SHORT-TERM PLANS

1. Indian relief on the same basis as white.
2. Old age and other similar pensions to Indians on same basis as white.
3. More money for food at Residential Schools.
4. More money for hospital care, particularly for maternity.
5. Infiltration of whites on hunting preserves checked through licensing system.
6. Indians employed as Game Wardens.
7. Provisions of the Veterans' Land Act of 1942 open to returned Indians.

LONG-TERM PLANS

1. A new Indian Act to replace the Act of 1868.
2. Reorganization of the Indian Affairs Branch to make it similar in philosophy and administrative practices to that of the United States.
3. Decentralization of Administration.
4. Self-Government on the reserves.
5. Full citizenship with its duties and rights.
6. The administration free from exploiting interests.
7. A modern system of education established on much the same lines as the regular provincial systems.
8. A system of adequate vocational training.
9. A new approach to health and its placing under provincial authority.
0. More hospitals.
1. The economic security of the Indians secured through far-sighted long-term planning, and the establishment of co-operative undertakings in such lines as owning livestock, farming, canning, fur-raising, etc.
2. Freedom of speech, assembly, and particularly religion.
3. A Royal Commission to enquire into the whole Indian question.

NATIVE CANADIANS

INDIANS OF CANADA

In the last ten years, we, the citizens of Canada, have become aware of the rich heritage of our native Canadian people through the astonishing renaissance of Indian arts, the outer sign of an inner renaissance of the almost vanished Indian spirit. We know of the powerful paintings of the young artist Sis-hu-luk and others; of the deeply moving work in mimetic drama of the Inkameep children and those of Lytton; of the outstanding art work produced by the Coast and Island Indians; of the lecturing through all Canada of Chief Oskenen-ton of the Six Nations; of the proposed Indian Drama Festival sponsored by the B.C. Community Drama Department; of the frequent exhibitions of Indian arts and crafts of past and present, sponsored by such individuals as the Reverend George Raft in Vancouver, and such groups as the Society for the Furtherance of B.C. Indian Arts and Crafts in Victoria, the Society "The Friends of Indians," as also the Okanagan Society submitting this brief. To many of us the approach has been literary, and we have read with consuming interest Barbeau's "The Indian Speaks"; or the musically inclined have enjoyed Indian folk songs over the radio. This offers only a sample of the great riches laid before us in British Columbia alone, and no doubt they can be equalled or surpassed in other provinces.

Others again are interested in archeological and anthropological investigations. Many papers, articles and books deal with the Indian arts and customs of the past—organization, religion, and ritual, medicine men and medicinal knowledge, buildings and transportation, food and clothing, hunting and fishing—the various means of livelihood. Our intellectual curiosity has delved far into the rich Indian past, and has rescued much interesting material.

But while we were fascinated by the past of a deeply rooted and highly developed culture, showing no signs of decadence at the conquest, we seem unaware that our native Canadians were still in the world of the living. We appreciated their arts, but we seemed to imagine that these could be produced in a vacuum:

Meanwhile the Indian population of Canada lived, and for that matter, is still living, in many cases in most deplorable conditions, often almost below subsistence level. Indians have practically no means of making themselves self-supporting except in certain cases as labourers and domestics in wartime, *they have no rights as citizens anywhere in the world.* They appear to be administered by a Department whose policy often reflects neglect and parsimony due to totally inadequate financing from the government.

There have been two defaults which are interdependent. First, the Indian Affairs Branch has failed to introduce a modern policy for administration of Indian Affairs, and is still proceeding under the obsolete regulations of 1880. As an Indian leader says, "Indians have changed a lot since then." So has the world. Which of us would willingly go back 70 years to the days of Canadian pioneering on little subsistence farms? Second, due to scantiness of information, the general public has been so lacking in interest and so deficient in social consciousness that no pressure has been brought to bear on the Government to provide more adequate appropriations, and to formulate an up-to-date administrative program.

The responsibility is ultimately that of all Canadians and therefore we are presenting this brief.

ANALYSIS OF PRESENT DEFICIENCIES AS REVEALED BY THE ANNUAL REPORT OF THE
INDIAN AFFAIRS BRANCH, MARCH, 1942¹

We quote certain sections indicating that malnutrition or even semi-starvation are the lot of some of our Indian friends.

p. 132. "The supply of Caribou was scarce in the Fort Resolution District and muskrat hunting in the spring was very poor . . . bands trapping towards Martin Lake reported that the catch of fur was poor . . . Rabbits have increased in the Fort Norman and Fort Simpson Agencies which, with better prices of fur, helped the Indians considerably, although they complained of the depredations of wolves which have greatly reduced the number of moose in that region."

p. 132. "Crops in the dry farming area in Alberta were only fair . . . considerable damage was done by sawflies . . . At the Blood Agency the wheat crop was only fair, owing to drought . . . The oat crop was not very good . . . The potato crop was fair, and gardens generally suffered from lack of moisture . . . Grazing was not so good as last year owing to drought . . . The special herd which was started at the Blood Agency with the object of supplying all meat rations for *destitute Indians of that Agency* (our italics) will issue female stock to Indians as foundations for new herds."

"The summer was so hot and dry in the province of Saskatchewan that crops were very poor . . . Gardens were poor . . .

p. 133. "Several Indians in Manitoba have small flocks of sheep.² The wheat yield was light . . . Flax was grown but light yield and poor prices resulted in poor returns . . . Coarse grain gave only a fair yield . . . The potato crop was light. In Ontario, "Indian girls experienced no difficulty in securing steady employment as domestics."³

We are naturally not laying the blame for poor weather conditions or lack of game on the Indian Affairs Branch. We quote these items to show that while Indians and whites alike suffer from these calamities, whites obtain relief payments, inadequate enough, but at least keeping them above the line of starvation, while Indians only obtain groceries to the value of \$4.00 a month when actually too sick or too old to work. It is known that in the North, Indians have starved to death, and that such a thing could be allowed to happen in a rich country like Canada is incredible.

War Services.

The number of Indian enlistments has now been far surpassed so there is little point in mentioning the figure of 1,448 as given in the 1941 Report. The high number of rejections for malnutrition is not given in the Report.

In spite of our native Canadians being denied the right of citizenship, we now have that a very fair percentage has volunteered and is serving with the Active Forces and that Indians had, out of their meagre funds, given over \$11,000 for war purposes by the end of 1941. This makes us feel very small indeed.

Indian Health Service.

Very little of positive value seems to have been accomplished, according to the Indian Affairs Branch Report. On page 135 we read:

p. 135. "A nutritional investigation was undertaken during the year. It was found that a large section of the Indian population was suffering from dietary deficiencies. *Measures to counteract this condition are being studied.*"

NOTE. The Report is dated March 1942, but deals with 1941 and all figures quoted therefore are for 1941.

We mention this because we cannot understand why there are not many large flocks of sheep either there now, or planned for, especially when war and post-war needs in wool are so great. This is quoted because we cannot find any mention of any other possible employment for Indian girls in the Report.

Unless this study undertaken in 1941 has already resulted in energetic and definite action right across Canada, it is urged that the only possible solution to dietary deficiency problems is not to "study measures" but to shop in crates of preserved milk, butter, eggs, and oranges, and then to press for the most energetic and vigorous campaign for:—

(1) Ensuring a full living for Indians so they can purchase what they need.

(2) Stringent adjustment of game laws made to prevent white "sportsmen's" and trapper's depredations so that Indians may have fresh meat (a potent source of vitamins).

(3) Education through community centre schools in health and diet, remembering the value of local and native foods.

Welfare and Training Service

For many years thoughtful people have urged the teaching of Indian pupils by teachers trained in modern methods of psychology, educational theory and practices, adapting these newer types of instruction to the special abilities and needs of Indian students. The work of Mr. Anthony Walsh in arts and crafts and drama at Inkameep (Okanagan) and of Mr. Noel Stewart, whilst at Lytton, B.C., are particularly outstanding. The report says on p. 135: "The Department is wholly dependent on the provincial normal schools for its supply of teachers," but to our knowledge many Indian teachers and administrators have no teaching qualifications.

Furthermore, the report states: "A report of an I.Q. survey of a number of residential schools in Ontario, undertaken by the Provincial Department of Education, suggests that it may be necessary in the future to provide special courses of study for Indian Day and Residential School Teachers. (Omit emphasis.)"

We would point out that in October, 1942, The Society for the Furtherance of B.C. Indian Arts and Crafts, Victoria, B.C., submitted to the Indian Affairs Department a brief entitled "*Suggestions on the Encouragement of Arts and Crafts in the Indian Schools of British Columbia*," which, if implemented, would assist in raising the status of Indian schools. It is appalling to think that authorities had not realized the necessity for specially qualified instructors until 1941, and then only to lament the dearth of such qualified teachers. We would like to be assured the Department is actively planning for the training schedule now, so that the program may be established as soon as personnel becomes available.

We find higher education almost entirely neglected. According to the 1941 Report the expenditure on education contains an item, "Assistance to Education of pupils," which we interpret to mean an expense for further education. This item in a total expense of \$1,878,726 comes to \$1,323.85.

There is no longer the possibility of using the excuse that Indians cannot assimilate white education. We point to 92 Indian nurses and two Indian doctors employed by the United States Indian Department in 1940; to the fact that in the U.S.A. each year "a selected group of young Indian college graduates are offered apprenticeships in teaching in Indian schools" (according to the U.S.A. 1941 Report); that Brig. O. M. Martin, a full-blooded Iroquois Indian, has been appointed Commandant of the Hamilton-Niagara Military area (as reported by the Canadian Press on July 5, 1943); that the balance of judgment, and organizing ability of the leaders of the Native Brotherhood of B.C. with five thousand Indian members compare favourably with that of white executives; that there are apparently no more limits to an Indian's capabilities than there are to those of other races, when adequate education facilities are provided.

Then why have so few Indians achieved more than a few grades of school education? They feel this terrible lack in to-day's world. A British Columbia Indian leader says, as reported in the *Vancouver Province* of June 12, 1943:—

In the year 1927 the Parliament of Canada provided that any Indian child who showed promise would be assisted in learning any of the professions. Indians of B.C. are seeking the fullest education for their children, but that promise made by the Government of Canada has not yet been carried out . . . Indians of B.C. would like to see their children attend technical and normal schools as well as to the University of B.C.

This applies, of course, to the wishes of Indians in all other parts of Canada.

If our interpretation is correct, the sum of \$1,323.85 (Assistance to Ex-pupils) already mentioned is the total Canada expended for the above purpose. How many students could be aided to a higher education for that outlay is an interesting conjecture.

In the realm of elementary education, while 17,281 pupils are on the rolls, the average attendance is 13,935, or 80 per cent. The following table shows the number enrolled in each grade:—

Grade 1	6,240
Grade 2	2,835
Grade 3	2,419
Grade 4	2,037
Grade 5	1,608
Grade 6	1,006
Grade 7	627
Grade 8	378
Grade 9	131

Therefore, out of 17,281 children enrolled in school, *only 378 in the whole of Canada were in Grade 8 in 1941.*

All educational administrators to-day are revising former false ideas on the I.Q., on capacity and on curriculum. It is now found that nutrition affects I.Q. to a very marked extent and if our Indians had access to proper supplies of food, the inherent I.Q. would go up considerably. Secondly, progressive educators everywhere have finally banished the old "book-learning" goal of preparing 100 per cent of the students for the academic studies that only 5 per cent of them would pursue. Education nowadays sees three sides for school development: first, the fitting in of the child with the group (socialization); second, the development of skill such as drawing, manual dexterity, reading, writing; third, the use of such aptitudes as co-operatives, courtesy, curiosity, initiative, combined with knowledge of skills for the group's benefit. Education has been brought in tune with the times, in which the useful but varied place of any member of society is thought valuable, and a way is at last open for the individual to develop individuality.

It would be therefore a very reactionary person who could not fit the modern curriculum to the needs of all children, including Indians (whilst allowing full scope for the development of their special gifts) when the matter of malnutrition has been attended to.

Welfare

The Report states on page 136: There is little evidence to indicate that the Indian has become in any sense more frugal as the result of the period of economic depression from which he is now emerging. The failure of the Indian population, when work is plentiful and wages high, to provide for their future needs or to spend their earnings on worth-

while projects, such as the repair and furnishing of their dwellings is one of the most perplexing features of the welfare program, although in many cases they are showing improvement in this respect.

It surely goes without saying that a Department that has never striven to have adequate or even regular employment of its charges cannot expect those people to have learned thrift and frugality out of the air. In comparable economic groups, and in very much higher economic groups, the war has brought a rush of luxury-spending instead of a putting of money into worthwhile projects. How unfair it is to blame the Indians for what is noticeable over the entire continent! Money is a new thing to many white people, too, and wisdom in its use has to be slowly and painstakingly learned. The Report makes no mention of plans for encouraging thrift and frugality.

p. 137. Large quantities of discarded military clothing . . . shoes, great-coats, socks, and battle dress blouses . . . have been distributed to Indian agencies. Unusual skill and interest has been displayed by Indian women, members of Homemakers' Clubs, in the repair and remodelling of this clothing.

This paragraph is a disgrace to the Department. How will fitting out Indian with soldiers' discarded clothes make them feel on a level with other ordinary citizens of this Dominion? As voting citizens we strongly protest against such methods. How would we like a few discarded military garments as charity? When will it be realized that welfare work ceases as jobs are provided, whether for Indians or whites?

Occupations in Each Province

As further opportunities for work must stem from what is already there, occupations and conditions therein in 1941 are quoted in full from the Indian Affairs Report. From this it is obvious that given equal opportunity with the whites in such matters as proper education and health facilities together with adequate vocational training, the question of Indians becoming absorbed into the economic life of the nation need no longer constitute a problem.

Nova Scotia

While many of the Indians raise their own gardens, any other agricultural pursuits that are engaged in are on a small scale. With the progress of the war, however, more Indians are finding employment with white farmers and fruit growers. Their natural ability as guides and canoe men is utilized during the tourist season, and their skill at making baskets and at woodworking is another important source of income. They also work in lumber camps as labourers.

New Brunswick

Except for growing potatoes and vegetables for their own use, little farming is engaged in. The potato crop in the State of Maine, however, provides seasonal employment for many Indians every year. They also hunt and fish and act as guides. Many work in lumber camps and saw-mills, while others earn a living as day labourers. In certain parts of the province they are engaged commercially in the manufacture of axes and pick handles and baskets.

Quebec

The Indians of Caughnawaga are noted steel workers and find highly remunerative employment in that trade. The native handicraft projects continue to be successful. The Indians of the northern interior and the north side of the Gulf of St. Lawrence depend almost entirely on hunting, trapping and fishing for *their subsistence* (our italics). In the Saguenay

district they act as guides and canoe men and also find employment in lumber camps and mills. The Indians in the organized central and southern portions engage in mixed farming. They raise fruit and dispose of it at nearby markets and those who possess cows sell the milk to the creameries and cheese factories. A few also act as game guardians on established beaver reserves.

Ontario

In northwestern Ontario the Indians are dependent largely on fishing and the trapline for their living. In eastern Ontario they engage in lumbering. All northern reserves are reasonably well stocked with merchantable timber. In the southern and western parts of the province farming is the chief source of revenue, *although the Indians in these sections, close to industrial centres, are to a marked degree becoming absorbed into the industrial life of their respective communities.* When advantageously located to do so, the Indians engage in guiding during the tourist season, in which they are particularly efficient, and in themselves actually constitute an attraction to tourists, unfamiliar with the aboriginal races.

Manitoba

Fishing, hunting and trapping . . . in the lake regions and north; the large commercial fishing companies employ many Indians . . . Agriculture is confined chiefly to four Agencies, although Indians from other Agencies work in the harvest fields in the farming communities. The new sugar beet industry is also providing work for Indians in the beet fields. Good herds of cattle . . . and other livestock are to be found on many reserves, and their products are a vital source of income to the Indians of southern Manitoba. Surplus hay is sold . . . Taking out wood for winter requirements has always been an Indian occupation while recently more and more Indians have been engaged in cutting pulpwood. Indian women find their native handicraft, particularly the manufacture and sale of gloves and moccasins, a profitable undertaking.

Saskatchewan

Farming and stock-raising comprise the chief occupations of Saskatchewan Indians. *They are equipped with good implements and horses and employ the same advanced modern farming methods as their white neighbours. Their cattle are of a good type . . .* In the north central sections of the province they supplement their incomes by selling their surplus hay and taking out fuel-wood, while further north, they depend almost entirely upon hunting, trapping and fishing for their livelihood. They make good woodsmen. The recent shortage in the pulpwood industry has opened new opportunities for earning good money to Indians from all parts of the province, many of them finding work in the wooded section of Saskatchewan and several going to Ontario . . .

Alberta

Stockraising is the principal occupation of the Indians of the southern and foothill regions, where they have *large herds of horses and excellent cattle herds. They grow grain on up-to-date, well-equipped farms.* Indians in the northern parts while mainly occupied in hunting and trapping, also engage in fishing and selling fuelwood. Those Indians who do not farm for themselves, find employment with farmers and ranchers: haying, harvesting, and working in the beet fields . . . A number also work in lumber camps, sawmills and as labourers. *The Blackfoot Indians operate two coal mines of their own.*

British Columbia

The Coast Indians exhibit skill as salmon fishermen and the fishing industry has continued to be their chief occupation. *Many own their own power boats and up-to-date equipment* and either fish independently under contract with the canneries. Herring canneries give work to a large number of Indians, especially women, who give excellent satisfaction as cannery workers along the coast. They also engage in clam digging while others work at various occupations such as logging and as unskilled labourers. Indians of the central and northern interior regions make their living by trapping on registered traplines, while towards the south they are turning their attention more and more to agriculture and other pursuits. Many engage successfully in cattle and horse raising, while others are making a success of fruit growing, some of them having orchards of their own. Whole families participate in the seasonal migratory labour movement to pick hops, fruit, etc., which frequently takes them into the United States in their wayfaring.

This Society has no knowledge of any Indian operating an orchard on a commercial basis in British Columbia.

We conclude from these statements that in cases where Indians have been enabled to go into modern types of work, such as structural steel work as in Quebec, or operating a coal mine in Alberta or having farms with good implements and a high type of stock (as in parts of Saskatchewan and Alberta) they soon become on a par with their white neighbours.

We note, however, that no figures are given for the number thus engaged and we are inclined to think these constitute exceptional cases. Every province reports Indians working as labourers, as unskilled labourers, as harvest or hay or fruit picking hands, and such casual seasonal labour cannot be said to be a firm foundation for making a self-supporting citizen. *We note no system of training adults for the many occupations possible and no plans for future training in permanent types of work when the war-industry boom is over*, although we note that in some schools courses in vocational pursuits are now being given.

Dwellings.

A description is given of housing in each province. It is impossible to tell without seeing them in exactly what condition the houses are. As far as B.C. is concerned, personal acquaintance of members of this Society is with houses in places as far apart as Canoe Creek, Alkali Lake and Williams Lake (Williams Lake Agency), Osoyoos, Penticton, and Similkameen (Okanagan Agency), the Nicola settlement outside Merritt (Nicola Agency), the reserve outside Duncan (Cowichan Agency). Housing conditions in most of these places are very poor and therefore we are particularly interested in the following statement of the Report:—

Special attention continues to be given to the improvement of Indian homes. All new houses are built upon modern lines of the small compact type used by white labouring classes.

It would be interesting to learn where these houses built upon modern lines are to be found in the interior of B.C. and to what extent they were financed by the Indian Affairs Department.

We have information from Ontario which states: "Most of these better homes have been built by individual initiative, but there are some examples of government housing programs."

It seems to us, however, that the Department's whole attitude and interest is here nakedly revealed: Indians are not to be educated to their ability and aptitudes, to take on the great tasks that this world waits for; they are not to

take their place among other inhabitants of Canada for whom upward paths are not closed; they are to remain "labouring classes" as the *highest ideal*. The Department says it is trying to get them up to this level.

We as responsible citizens absolutely reject this attitude to our fellow human beings. Indians are Canadian people, and we shall not rest until we have made every possible attempt to bring their plight to the Government's attention.

Number of Indians.

We learn from the Indian Affairs Report that there were in 1939, 118,378 Indians in Canada and on them we spent \$5,004,165—i.e., \$42.28 each. This covers total administration, the Indian Agencies, reserves and trusts, all medical care and welfare, all education (including \$1,393,393 in grants to residential schools), a few very small items for grants to exhibitions, statutory Indian annuities and pensions. All this is covered by \$42.28 per person per year, and of this amount, approximately 7 per cent is absorbed by cost of administration.

We note there were 17,281 children in schools (275 day, 78 residential, and 1 combined). Although the census of 1939 gives 26,390 Indians between the ages of seven and 16, apparently only two-thirds are in any kind of school at all, and as we have already pointed out, the majority are in the lowest grades.

The amount spent on "welfare" shows a marked decrease from previous years but totals only are given. We understand from other sources that the relief paid to an Indian family, whatever the size, is about \$4.00 per month in groceries. We further learn that Indian residential schools (total on rolls, 8,840, or half the children in school) have very inadequate grants, especially for food and clothes, receiving only 40c to 47c per day per child. Due to this cause the children have to spend much time planting and growing food, instead of being in the classroom, and the under-nourishment and poor clothing naturally lead to tuberculosis in later life besides keeping the children backward in their school work. We understand the grant is the same as before the war although every housewife knows how prices have gone up and quality gone down, especially in clothing of the plainer kinds.

Shocking as the deficiencies appear to be, judging by the Indian Affairs Report, we should have felt the Government was doing its best to "right the wrong" had the Report ended with enthusiastic and generous plans for the future. We are becoming seriously alarmed at the complacent acceptance of the Indian as a lower class labourer to be kept alive at as little cost to the commonwealth as possible.

This Province is showing deep concern over the plight of our aged folk, subsisting on the amount of \$30.00 per month. Yet we ask our native Canadian friends to live and support a family on \$4.00 a month in groceries.

Per capita income of Indians increased from \$52.00 *per annum* in 1933 to \$105.00 per annum in 1943. (These figures are supplied by the Indian Affairs Branch). While this great increase amounts to a doubling of income, it must be remembered that it still means less than \$9.00 a month per person for all expenses, and it must be remembered, too, that the relatively very high income of the few like the structural steel workers of Caughnawaga (who have been called to work on great engineering projects all over the continent) does much to unbalance the per capita figure. No figures can conceal the fact that Indians have not been placed in a position to earn an adequate living in the modern world, and such a trifling sum has been expended on their behalf by the people of Canada that their condition shows little improvement.

The Report gives no figures to indicate how many babies are born in hospitals, for instance, or even whether medical care at childbirth is available. It gives no figures of water pollution at reserves leading to typhoid. It gives no figure of expenditure for 1941 on trachoma, the leading concern of the United States Indian health authorities, along with tuberculosis.

IMPROVEMENTS IN UNITED STATES INDIAN ADMINISTRATION IN THE LAST
TEN YEARS

In many other countries plans have been made, and circumstances have been adjusted to help in the transition from the hunting and herding economy to the machine age of to-day. The Maoris of New Zealand, after much repression, dishonest treatment with regard to land, and neglect, have at length progressed to the point at which they have four Maori members to represent them in the New Zealand Parliament. We mention this to show what has been done elsewhere within the British Commonwealth. In Yakutia, a portion of former Siberia, corresponding to our northwest territories, the nomadic tribes have been brought into a modern life of aeroplanes and tractors, the transition period being less than 25 years. Again, conditions are not exactly the same. However, conditions are very similar in the United States, and a résumé of the American approach is of value to us.

The appalling conditions we see to-day in Canada once prevailed in the United States, except that taking land away from the Indians seems to have gone much farther.

The Report of the Commissioner of Indian Affairs (1940) of the United States gives a summary of the situation as it was some 20 years ago (page 357).

The cumulated and inherited official policy in 1920 was moving ahead impersonally and with a ruthless benevolence or a benevolent ruthlessness. That policy was one of extinguishing the Indianhood of all Indians through all devices within the control of a government whose power over Indians was absolute; it included a continuing expropriation of the Indian fund.

And everywhere, excepting in certain limited parts of the southwest, the tribal and the individual life of Indians was managed through thousands of uncodified statutes and of more than ten thousand pages of unassembled regulations, by an Indian Bureau which monopolized the power over Indians and all the Indian Service.

The 1941 U.S.A. Indian Affairs Report states:—

The problem facing the Indian is in its essence a world problem, one which must be solved if there is to be achieved any ordered stability in the international and internal relation of states. It is the *problem of reconciling the rights of small groups of people to cultural independence with the necessity for larger economic units demanded by modern methods of mass-production and distribution*. This has been at the very heart of Indian policy since 1933 . . . The rights of the Indian to cultural independence have been seldom recognized by Indian policy, but rather there has been the totalitarian concept of a super race dominating, absorbing and reducing to serfdom the small minority groups of a different culture. (Our italics.)

In the recognition of the rights of Indians to cultural independence, present day policy has not lost sight of the fact that this right must be reconciled with the demands for adjustment to modern technology. (p. 408.)

The problems here stated so admirably for the U.S.A. are essentially the same problems with which Canada is faced to-day and problems which insist are capable of solution.

The following short list of dates shows what was done in the U.S.A.:

1924—Full citizenship was voted to all Indians.

1927—A far-reaching survey (comparable to our Royal Commission) was begun.

1928—A special committee of the Senate began hearings on Indian investigation.

1929—Policy changes were begun in the Indian Department.

In 1929 the Secretary of the Interior and the Commissioner of Indian Affairs joined in memorials to Congress, asking for legislation to re-establish the local democracy of the Indians, to curtail the absorption of the Government's Indian system to apply the concept of constitutional right to Indian economic affairs, and to settle decently and promptly the host of Indian tribal claims . . . And of inconspicuous but of basic importance was an effort to apply modern principles of personnel work in the Indian Service. That effort is not yet finished. (p. 358.)

1933 onwards saw a drive towards Indian democracy and the cherishing of the land.

Indian cultures and religion were put in possession of the full constitutional guarantees . . . The institutionalized boarding schools for Indians were cut by one-third and the children were moved to community day schools, and thousands of children never before schooled were brought into the classroom. (p. 359.)

1934—The Indian Reorganization Act was formulated.

The administrators took this proposed reform legislation to the Indian in great regional meetings and through the Indians assembled there back to all of the Indian communities. For the first time in history, all Indians were drawn into a discussion of universal problems focussed upon the most ancient and most central institution, local democracy integrated with the land. (p. 359.)

The Act when passed, was arranged with a referendum so that each tribe might adopt or reject it by majority vote.

The newly organized Indian Bureau acted as a clearing house for all efforts made by other agencies in care of Indians, and gave its concentrated attention to all matters thus covered.

The 1941 U.S.A. Report mentions that results soon showed; for instance, that year 80 per cent of Indian babies were born in Indian Service Hospitals. Investigation into tuberculosis showed that its incidence was not higher among Indians than among comparable economic groups. Arrangements were made to hospitalize Indians in State sanatoria as near reserves as possible. Much anti-B. vaccination was carried out among children.

The 1940 U.S.A. Report says:—

Tribes such as the Apache have stepped to the forefront as conservators (of range lands), creators of great cattle herds which do not overgraze, and operators of co-operative enterprises of the most modern types. And in their political self government these tribes have become models, deserving study by the white countries or States . . .

The impressive material achievement of the Indian across recent years has been attained through the revival of ancient forms, and the establishment of very modern forms, and the merging of ancient and modern forms, in local democracy. The Indians have proved that democracy can plan and can execute. (p. 361-2.)

An Indian tribe can assume complete political and economic control over internal affairs, just as any incorporated municipality.

Quoting the same report we read:—

The type of organization adopted by the tribe reflects, again, the Indian will. Self government among Indians, if effective, will follow no set pattern . . . Some of the most effective native governments, in terms

of maintaining social control within the group, are arcaic forms . . . B whether the tribal government is an ancient one or a twentieth-century product, membership in the governing body, tenure of office, control procedure, are wholly within Indians hands. (p. 364.)

Every tribal constitution has granted women full political equality. Since the beginning of tribal organization, numerous women have served as members of tribal councils. (p. 365.)

Progress . . . has not been even. To deny the failure and shortcomings of these five years (1934-1939) would be to claim too much for the democratic principle; it does not re-make men overnight; it does not endow them with super-tolerance. At its best it seeks only to remove from men's minds the fear of authoritarian control, to leave each man free to develop his own powers, and to fulfil his responsibility to society. A democratic state is not created overnight by fiat; it is arrived at slowly and painfully, a product of the deepest aspirations of the men and women making the state. (p. 366).

Never has there been any question of the ability of the Indian people to rule themselves and to rule more wisely than benevolent absentee authority could. The failings do demonstrate, however, that the Indian Office in the years ahead can be particularly helpful by working with the tribal governing bodies and encouraging them to make full and wise use of their powers and to develop habits of thinking in terms of tribal welfare. (p. 366).

We feel there is no need to go into details of land restoration, conservation, etc., which can be read by those interested in the Report. The information on co-operative livestock associations, irrigation schemes and so on, is of great value.

The persistent aim is to use money to make the Indian self-supportive, independent and prosperous.

In health matters only the highlights can be touched. This is the background:—

(U.S.A. 1941 Report). "It (health) is a story of human conservation scientifically applied through the medium of medical workers whose application of modern methods must be continually adjusted to the ancient beliefs, ceremonies, traditions and taboos of the many Indian tribes and bands.

As a privilege of free peoples, tolerance in the practice of local customs and beliefs is essential to a democracy. (our italics). Yet, for generations, religious liberty was not permitted to the Indian tribes, with the curing ceremonies, an essential part of their faith, were discouraged. (Our italics). Few persons considered of value the mental stimulus produced by the powerful song prayers and the fact that through generations of testings, these "medicine men" had acquired an extensive knowledge of medical herbs and the use of practical therapeutics in the form of massage, sweat baths, cathartics, and cauterizations. Years ago the Indian people were reluctant to accept modern medicine . . . But gradual as skilled treatment brought the ill back to health and as health education proceeded in the schools, the Indians themselves began demanding new hospitals, clinics, and medical facilities.

As evidence that it by no means wished to interfere with or belittle the "medicine-man's role in tribal life, the government recently invited Navajo medicine-men to participate in the dedication of two federal hospitals. The fact that the Navajo medicine-men offered the prayers with which they bless their own homes in the dedication ceremony demonstrated a reciprocal appreciation and realization of their own limitations in the face of modern science. Of similar interest, a full-blood Osage

Indian, Eugene Butler, Jr., presented the Indian Pawhuska Municipal Hospital in Oklahoma a few months ago with an X-ray machine of the latest model. (p. 380).

Much detailed work is being done on tuberculosis, venereal diseases and syphilis, and research into new methods goes on continually.

In the U.S.A. Indian Department, education has the following aims:—

Teaching Indians to make wise use of their own resources, encouraging and assisting them towards better self expression, fitting their cultural and other gifts into the pattern of national and community life, finding new and more effective ways of teaching basic conservation facts, and discovering and recruiting better Indian Service teachers . . .

There has been a great emphasis throughout the Indian schools, not only on the preservation or revival of native handicrafts, but also upon self-expression through paintings, wherever possible, in a perpetuation of revival of traditional forms of expression.

While emphasizing the desirability of perpetuating native art traditions, the authorities will continue to recognize the right of Indian genius to assistance in whatever form it may appear. (p. 384).

The system of selecting teachers has been completely revised; within the last two years two examinations have been announced which demand qualifications more in keeping with Indian Service. Rural living, training for rural life, teaching in schools which actively participate in community activities, and experience in adapting curricula to local needs, are some of the qualifications now demanded in the examinations which are supplemented by personal interview, tending to reveal such human qualities as initiative, ingenuity, and sympathy with the problems to be faced.

Teachers chosen through these new examinations are being sent into remote Indian communities. These teachers make friends with the older Indians of the community, inaugurate school gardens, which rapidly spread to become community gardens, and through initiating school children in the care and value of livestock and farming, arouse community interest in the school program.

Adult women in the community are encouraged to visit the school to learn to cook, sew and preserve the newer food in newer ways. The men of the community are invited to use the tools and equipment of the shop for home improvement and care of farm equipment. (p. 385).

The following extract is of particular interest to us in Canada:—

Twenty years ago the federal boarding schools required students to do much of the manual labour connected with the maintenance and operation of these schools. (*Note: Still the case in Canada today.*)

To-day, while many young Indians may be seen working around the schools, they do so of their own choice. Through a selection of certain subjects, they may earn a little cash as spending money or a share in the livestock, poultry or whatever other field or activity they have chosen as a vocation after leaving school. In the day schools, students begin farming on their own land or that of their parents under the supervision of skilled instructors. In the boarding schools, these students who select agricultural training may, through contract with the school, borrow a certain number of livestock, poultry or seed, and through their enterprise return the cost of the school's original investment, as specified in the contract. At graduation they take their material assets home, where they may serve as a beginning for their future enterprise, or sell them for cash. (p. 388).

The Indian Day Schools are being converted into community centres rapidly as possible. They are being built up as this centre of community life response to modern needs, just as they are for white people in the most progressive parts of Canada and the United States.

The number of day schools has been greatly increased in the past ten years and the school attendance has more than doubled. Twenty-five reservation and non-reservation boarding schools have been closed and attendance at boarding schools has dropped about 6,500. Many of the remaining boarding schools have been reorganized as vocational high schools. Where Federal Indian schools have not maintained because there are other schools, the Government contributes State or private agencies a part of the cost of education for children with one-fourth or more Indian blood.

In 1940, 4,682 of the permanent Indian Service staff of about 8,000 consisted of Indians. There were eight Indian superintendents, 251 in professional positions, 935 in clerical jobs and about 3,475 in other skilled occupations.

Adequate training opportunities are given in all sorts of work, through various Federal agencies, the CCC have been notably successful.

Today there are more carpenters, painters, mechanics, surveyors, draughtsmen, and engineers among the Indian population than ever before. (p. 392).

There are not comparable agencies in Canada, so such work will have to be done from the ground up.

The key to the entire U.S.A. Indian program is found on page 392 of the Report as follows:—

Indian participation was sought in all Federal activities concerning Indian affairs, and this participation was given added momentum by the Indian Reorganization Act of 1934, by the conservation programs carried out largely by the Indian themselves; and by the co-operative planning for economic and political self-sufficiency in which the Indians play a primary role.

The ideal of the Indian Service personnel has been initiative and anonymity, to the end that the Indians should eventually take care of themselves. (Our Italics).

Decentralization is well carried out, only 3 per cent of the administrative personnel being located in Washington, D.C. Attention is paid to the evaluation and improvement of each employee's talents and work, and the expansion in service training, together with plans for selection of future personnel. It all points to a solid basis being laid for the future.

Arts and crafts are greatly encouraged, while the worker is protected from cheaply imitated wares. Markets have been developed for high quality goods of authentic origin.

The 300,000 Indians of the United States (Canada has just over one hundred thousand) have a Department which can accomplish things because of capable leadership and an appropriation of \$35,000,000—a per capita grant of \$117 against Canada's \$42. Naturally, then, the conditions of life and hope for the future of these Indians are both better than conditions and hopes of the Canadian brothers under existing methods of administration.

SHORT-TERM IMPROVEMENTS SUGGESTED FOR CANADA

In the light of these findings, only briefly summarized here, of great achievements under almost exactly similar conditions we request the following proposals to be implemented for our native Canadian friends.

Short Term Items Requiring Money Only, and Not Extra Personnel, Which Is Not Easily Available in 1945

1. That immediate steps be taken to put Indian relief on the same basis as white.
2. That old age pensions be granted to Indians on the same basis as whites.
3. That immediately more money be made available for food at residential schools.
4. That immediately larger grants be made for hospital and medical care.
5. That infiltration of whites into lands hunted and trapped over by Indians be stopped at once, as this infiltration is causing severe hardship to our Indians.
6. That Indians be employed as game wardens wherever possible and to keep predatory birds and animals in check.
7. That the provisions of the Veterans' Land Act of 1942 be open to returned members of His Majesty's forces who are of Indian race.

LONG-TERM PLANS

1. *A new Act based on the lines of the United States Indian Reorganization Act of 1933, to replace the present Act of 1868.*

This new act to have in mind to-day's situations, circumstances and needs, built on a firm basis of *consulting the Indians as to their needs, and assuring them cultural entity (when not already lost) and economic independence in the modern world. As in the U.S.A., this should be extended to all of one-quarter or more Indian blood.*

To have economic independence demands the operation of large units. The co-operative fish cannery, the community farm or ranch, the co-operative live-stock association, the co-operative fruit and vegetable cannery—all these are to-day's units for ensuring large-scale production along with ownership for the many. What are they but the modern adaptation of the tribal unit? The Indians in their own culture knew, as industrial man is painfully learning, that the group is the centre of economic life. One can hardly name an article of modern commerce which is not the product of pooled resources in invention, technology and manufacture. The tribal organization is to-day's democracy: people rule themselves through the tribal group.

At the same time, the Act should be so framed as to make assimilation (without destruction) of the Indian easy.

We quote Mr. G. C. Monture, an Iroquois who studied at Queen's University:—

Nearly all our people speak English; in fact, only among the older people is the ancient language preserved. In consequence, our old legends, myths, and traditions are in danger of being lost. It is in these legends and myths that I hope our Canadian authors and poets will find a source of inspiration for the creation of a distinctive school of Canadian literature.

We must forget our old traditions and take our place among the whites. Because some cannot forget our ancient glories, their paths are not easy. They are as wanderers between two worlds, the one lost and the other not yet ready to receive them. It is for them that I make a plea to our white brothers, asking that you be patient and understanding. We have contributed much to your culture. We are capable of contributing more. To do that, however, we must merge our identity with yours. *You must accept us, not as Indians, but as Canadians*, whose ideals are the same as yours—the building up of a united Canada free from sectionalism and the prejudice of race and creed—a Canada founded on the British principles of justice, truth and loyalty.

We desire to see a Canada made up of many racial origins and we want no theories of holding aboriginal inhabitants down to the quaintness of the past isolating them in picturesqueness for the tourist trade, or limiting them to the "labouring classes." These native Canadians are our brothers and have rights as human beings.

2. Under the Act, Reorganization of the Indian Affairs Branch.

It should be planned much as the United States Indian Service (which has proved its suitability by actual recorded results), with vigorous leadership anxious to serve the Indian to the best of the white man's ability. It should be progressively more and more staffed with Indians, as in the U.S.A., where 60 per cent of the administration were Indian in 1940.

(Note: We are informed by the Department of Mines and Resources at Ottawa that:—

The total number of employees engaged in the administration of Indian Affairs is about 1,000, of whom 65 are at headquarters and the remainder in the field. The figures of Indian employees are not available (Letter, Feb. 7, 1944).

This suggests that there are not many Indian employees).

3. Administration should be decentralized so that officials on the spot, with knowledge of local conditions, may make decisions.

4. Self Government on the Reserves should be encouraged as much as possible. Responsibility for the keeping of the law should be in the hands of the Chief and Council. Women should have equal voice with men in the council as in the United States.

5. The Act should provide full citizenship without any loss of lands, etc., at present. Such was given without question in the United States in 1924. At present there is the anomaly of the government conscripting for military service, demanding income tax, and yet saying that the Indians cannot be citizens cannot have old age pensions, etc. The Indians should be granted full citizenship with the same rights and privileges as white people with regard to taxation, military duties, relief and old age pensions and other matters of social security.

This is not a matter for accomplishment at one stroke, but should rest upon the expressed willingness of native Canadians themselves to accept duties and gradually abandon the attitude of "wardship" under which so many inequalities have been perpetuated. Many Indians wish to retain their Indianhood, for they find many white men's traits far from admirable. The typical Indian attitude to community welfare, for instance, must find expression, and not repression, in modern society.

6. The new Department must take every possible precaution against exploiting parties, vested interests, etc., having a voice therein and thus exerting influence. A prominent Vancouver Island Indian says:—

The real need is for an Indian or a white man not tied up with any other office, to represent our point of view in parliament. As it is now we are never notified of any change or amendments until they come up and are passed in the House. We need a representative who would be well informed on our problems, who could obtain our viewpoint before any legislation is passed, and who would be interested solely in our rights.

The Department must employ ethnologists and welfare officers trained to assist in the transition from a hunting and herding economy to modern life, and yet aware of the value and dignity of native ways, especially in the regions far from settlement. These men must have the welfare of the Indian at heart, and

must work with intelligence and enthusiasm for improving every aspect of life for the Indians until such time as Indians can take care of themselves as fully-qualified citizens.

7. A new system of education should be established. Mission schools of the past have performed much devoted work, caring for children when parents went to hunt for fish, but the task now facing them is beyond their powers whether as regards money or personnel. They are not able to provide an adequate modern education and why, indeed, should we expect private groups to look after our national responsibilities? We gave up private schools (except in a minor way) as the educational system for Canada many decades ago, and we expect the same democratic system to be extended to the Indians.

These schools should be established in conjunction with the provincial departments of education and there must be an endeavor to bring them up to provincial standards as soon as possible. Teachers for them should be specially trained to help in the work of transition.

The schools should be day schools with the boarding schools being adapted to high schools and technical schools for the older pupils. No one nowadays considers institutional care, however good, as suitable for young children. In the days of Dickens that was the accepted thing. Now social and educational workers know that the home is the place on which to base the responsibility for bringing up the child. The breaking up of family life has wrought great damage among the Indians, and means for repairing it cannot be taken too quickly. It is surely against every principle to take children of seven and eight years away from their parents, and, in the north, keep them away for perhaps seven years. Day schools benefit both child and parent, the latter being brought into close touch with the teachers and school, and therefore being led to understand and value the school program.

With the new community-centre type of school so strongly to the fore among educationalists and sociologists, there is no need for lower standard Indian school. There will need to be slow changes, but our ultimate aim is the establishment of the same educational opportunities for all.

Modern instructors teach the use of the immediate environment to white pupils, and there would be little difference in adapting it to Indian needs. Teachers for schools predominantly Indian must have special training to-day. This is a courtesy due to all minorities, until such time as they are made a part of the great Canadian mosaic.

With the school a community centre, health education, home-making instruction, child care, and all the myriad facets of adult education, could be carried out as in the United States, and the Department should have special plans developed for this purpose.

8. A system of adequate vocational training should be established. This should be more than perfunctory training in manual arts. It should be connected with the characteristic industries of the region, whether they be shipbuilding, fishing, lumbering, or other occupation. The school should provide a training that will establish a groundwork for future entrance into skilled trades. Adult training also should be provided for.

9. Health needs a new approach. We suggest the study of the Canadian Declaration of Agriculture Plan for Health Insurance, which envisages a health centre in every rural community. These are to be devoted to preventive health measures, and secondarily, to curative treatments. Such should be established in every reserve of reasonable size, or else by some other method of Indian health should be made a part of the general health of the rest of the district, and should be under the care of the provincial health authorities. Putting the health of all inhabitants on the same basis under the same authorities, will make a good start towards breaking down our isolationist technique towards the Indians.

Tuberculosis, regarded as a special scourge of the Indian, has now been discovered to be largely a disease resulting from poor nutrition. The United States Indian Service says in 1941 (p. 432) as already quoted:

The preliminary evidence indicated that the occurrence of tuberculosis among Indians, while higher than the general population, hardly exceeds that of comparable economic groups.

Therefore, all attempts at curing tuberculosis without curing its cause are wasteful attempts to build on sand. This, and the sulfanilamide treatment of trachoma are advances of science which must be widely used in treating the victims of these diseases.

9. More hospitals, and hospitalization for childbirth. We repeat that 80 per cent of Indian babies in the United States are born in hospitals and we do not want Canada to be behind. According to information obtained from the Department of Mines and Resources at Ottawa, under date 7th February 1944:

"No figures are available respecting the percentage of Indian babies born in hospitals."

10. The economic security of the Indians must be ensured. (It is all, of course, a part of the larger problem for all Canada. We do not advocate copying everything American, but it seems to us that Canada is lacking in provisions for making share-croppers, migrant farm labourers, etc., into productive, self-supporting, self-reliant members of society, through resettlements such as those carried out by Federal Security Administration and other agencies. If all low-income and under-privileged groups are being aided, then help to the Indian does not pass the test of charity, nor even depend on past treaties, but is a part of every Canadian's rights. We believe that such plans lie within your Committee's terms of enquiry as to rehabilitation in Canada).

(a) Indians occupied in farming and ranching must be assured of a large enough land base to carry out operations that will yield a good return. The 1906 Act should provide for extension of lands, or resettlement on new lands where present ones are inadequate. Modern large-scale methods and machinery must be used and we suggest therefore the setting up of co-operative establishments of every type. Co-operative livestock associations have proved very successful. We suggest a study of the United States program in this respect.

(b) Hunting and trapping Indians need to be assured of adequate territory, especially since so much game has disappeared. There must be some over-all survey of the areas and fewer licences issued so that those who do have licences can make a living. The encroachments of white hunters and trappers which render it almost impossible for Indians in those areas to make a reasonable living, must be prohibited through the licensing system.

The various muskrat and beaver conservation schemes are to be greatly commended and should be extended, but alternative methods of earning a living must be provided while the areas are "closed". In our opinion, wild animal trapping is on the decline and Indians so employed should be gradually led to participate in co-operatively owned fur farms, raising scientifically, mink, or whatever the market demands as on the island fox-farms in the Aleutians.

(c) The fishing Indians of the west coast have already done a great deal for themselves through native leadership aided by sympathetic white persons. The University of British Columbia helped in laying the foundation for a co-operative clam cannery wholly owned and operated by Indians and white people at Massett, B.C. Our native Canadians have done much to improve conditions for all fishermen, white and Indian, including participation in a successful tri-

Ottawa to have prices adjusted more equitably. The "model village" of Cape Mudge (Alert Bay district) should be studied by all interested in Indian welfare. We would advocate as an objective, the bringing of all Indian dwellings and conditions in general up to that fine level.

(d) The economic future of all Indians is not necessarily related to the present means of support. We look for a time when reserves will have turned into great co-operative undertakings and when all Indians will feel free to engage in any activity, quite apart from their ancestral rights. We look for a time when they will have equal opportunity to obtain education and adequate training for these occupations.

We particularly repeat that training in welfare work, nursing, health services, teaching, and so on, are of the very greatest importance, so that native Canadians may themselves help to raise the standards of their fellow men. Such trained welfare workers are greatly aiding in the work of rehabilitation of Indians in Mexico.

We have not suggested specific methods for training, since that is the province of technical experts. The principles, however, must be those of building on the characteristic Indian abilities. These are a community-minded people and can therefore easily engage in large co-operative activities; they are from early environment and training often very highly perceptive woodsmen and trackers, and occupations such as registered guides in season, and forestry department workers out of season would take advantage of such special skills.

The natural talents, whatever they may be, must be developed to the utmost, so that these people may make the greatest possible contribution to Canadian life.

11. A definite attempt to establish the "Four Freedoms" for Indians must include freedom of speech and assembly, which has not always been the case of the past, and also freedom of religion. To-day Canada practises religious toleration and every Canadian is free to belong to any sect, or not to belong, as he chooses. We insist that this right of all Canadians must be extended to Indians, and that religious domination over Indian education must cease. If various churches wish to provide facilities for Indians, it must be on exactly the same basis as the rest of the population—a matter of choice.

We realize that the problem of transition to the machine age is not confined to Indians, but is a difficulty the world over. But there must be help for the Indians whom we have treated so shamefully and neglected so long.

We therefore desire that a Royal Commission should be appointed at once to investigate the Indian question; that it should visit every reserve in Canada, take evidence and receive the suggestions of interested persons; that it should have enough Indian counsel on it to ensure that the Indian point of view does not result only in a minority report.

We suggest that the personnel of this Commission might vary somewhat from province to province. While there would necessarily have to be Indians on it travelling the breadth of Canada to get the complete picture of the living conditions of their fellows across the country, we think that Indians should also be appointed for each province, acting only for the province from which appointed, so that the Commission will have access to the ideas of Indians in each area. It is important, too, that the Commission be composed of representatives elected by National Welfare Councils, the Canada and Newfoundland Educational Association, the Indians themselves, etc., as well as a representative from the United States Indian Affairs Office. The latter should be a man who has taken an active part in Indian reorganization work under the United States Indian Act of 1934, and who is therefore conversant with administrative policy and subsequent results.

Such appointments to the Commission would ensure the bringing down of findings unbiased by political or economic influence.

When the Commission's findings are received, they should form the basis of a new Indian Act, whose provisions should, as in the United States, be discussed, considered and voted on by secret ballot in every tribe.

Respectfully submitted by

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MRS. A. MILLAR, Oliver, B.C.....*Secretary*
MRS. E. PARHAM, Oliver, B.C....*Recording Secretary*
MRS. S. M. WORSFOLD, Oliver, B.C.....*Treasurer*

APPENDIX Z

THE INDIAN COUNCIL FIRE OF CANADA

(Salvaged from the ashes of the past)

TORONTO, ONTARIO, CANADA

July 1, 1946.

To/

The Special Joint Committee of the Senate
and the House of Commons,

The Special Joint Committee of the Senate

(The History of America Began With Us!)

My Indian Brothers, and Honourable Gentlemen
of the Senate and the House:—

There are many distinctions which I could claim for my people, but I am contented with just this one—"The History of America Began With Us!" Our is a legacy of majesty and beauty. We belong to this continent just as the mountains and hills, the buffalos and beavers, the rivers and lakes, the swans and eagles, belong here. Our bodies are formed from the dust of our forefathers' bones. . . . But lo, we are now a crippled and broken people. We have been shorn of our pride and our heritage. We are being gradually assimilated by the white race. To-day at our best we are but poor semblances of our former beings. Truly, we have lost almost all we own.

When the Red Indian ruled supreme; when he was lord over all upon this wonderful new world, he was indeed a happy and care-free man. . . . To him the world and the universe was a library and his books were the stones, rocks, brooks, rivers, lakes, trees, flowers, herbs, sun, moon, and stars. From these many things he formed his material culture; from these things he received the beautiful inspirations to compose his many songs and ceremonies. The fishes of the laughing waters, the animals in the living forests, the birds of the air, taught him how to be brave and courageous and true.

To-day all of this freedom and happy life is gone, and the camp-fire of the Red Man is burning very low... We must re-ignite that camp-fire; it must not die! Because when my people have forgotten the music to which our forefathers danced and sang; when the rhythmic drone of the Indian drum has faded; when this silly swingy-jive has drowned out the sweet melodies of the flute and flute—then they will indeed become a forgotten people.

When the valorous deeds of our great sachems, warchiefs, seers, prophets, and warriors, are no longer recited to our little ones; when the Indian mother no longer cuddles her baby gently to her breasts—then the white man will have completed his stranglehold, and we will no longer be worthy of the name "North American Indian."

When we have forgotten how to grow the white corn, beans, squashes, pumpkins, potatoes, tomatoes, and tobacco; when we have forsaken the Holy Love Feast—then our bodies will die and our souls will be lost.

When my people have entirely forgotten their beautiful arts and crafts, their symbols, picture writing, and sign language—then they deserve to be called a lazy people.

When we are no longer able to converse with the animals, trees, flowers, and herbs—then we will indeed become a stagnant and sickly race of people, and the magnificent undertakings of our ancestors will mean little or nothing to us.

When we have completely forsaken our native tongue for a foreign language; when we no longer believe in the Great Spirit—we will become a shameful and ignoble race.

When my people refuse to assist in advancing a nobler brotherhood and better understanding between themselves and other races—they lack foresight and vision. Yea, they deserve to be rebuked.

When my people will look with disdain upon the gorgeously eagle plumed dancer; when they will no longer wear the fringed buckskin and the beautiful beaded moccasins for ceremonial dress—then they are as traitors, who dishonor their country and their race.

When my people have lost all of their respect for the Holy Pipe of Peace; when they have forgotten how to soothe the troubled heart and mind with the purifying incense of sacred cedar—then, indeed, they shall become just an aggregation of imbeciles.

When we have forsaken all that is ours; when we no longer commune with nature; when we have lost all that "Kitche Manitou" granted to us, we then, too, will be dead Indians... Our hearts will be empty, and though we walk the crowded streets of the mighty cities, with gold and silver jingling in our pockets, we will, in truth, be nothing better than walking mummies!

But all of this must never happen, because we have not as yet really fulfilled our purpose upon this Earth. We must continue to live, and try to create a new hope for our people. We must do something to cheer them in their loneliness, and comfort them in their misery... We must act now! Then, tomorrow, out of the gloom, and the ashes of the past; out from the misty fog of illiteracy, shall rise a new people; a wiser people, a stronger people, a braver people, and they shall be of the Red Indian race!

This is my message to the 125,946 Indians living in Canada.

Now, in concluding this paper, and as a direct descendant of the Native Canadians, may I add:— I am just the ordinary striving and struggling type of citizen, trying so desperately to enjoy in perfect fullness all the privileges and rights granted to me by an Act of Parliament.

Gentlemen of the Senate and the House:

I represent The Indian Council Fire of Canada, a non-profit, non-political, non-sectarian, all-Canadian Organization. And I can assure you, gentlemen, I have no high pressure men to back me up. I have no politician whispering over my shoulder telling me what to do. My ideas are entirely my own. I speak for myself!

I herewith graciously submit the attached seven-point brief to The Special Committee of the Senate and the House of Commons for study and careful consideration and formal adoption of the following resolutions as recommended by The Indian Council Fire of Canada.

(See attached brief.)

Respectfully yours,

JASPER HILL "BIG WHITE OWL".

A non-profit, non-political, non-sectarian, all-Canadian Organization respectfully submits for study and careful consideration, and formal adoption the following recommendations with regard to:—

A MAGNA CARTA FOR THE INDIANS OF CANADA

1. The Red Indian people should be admitted to a full and free life in this country without forfeiting any more of their privileges and rights as native Indians. Every possible effort must be put forward to establish the "Four Freedoms" for the Native Canadian Indians, which will assure them equal civil rights, cultural entity and economic independence in this new atomic age of progress.

It is a well known fact that the present form of the Indian Act of Canada formulated in 1868, is definitely a shameful hindrance to the material and spiritual and social progress of the Red Indian race in Canada. It is the most infamous, unjust, uncivil, outmoded, undemocratic law, ever imposed upon people and any straight thinking sane person would not hesitate to recommend its revision—in the near future—by a convention of selected Indian men and White men, but not by White men alone!

A Magna Carta for the Indians of Canada should be based on the lines of the United States Indian Reorganization Act of 1934. The voice of the Red Man appealing and pleading for justice and liberty before a world court cannot any longer be shelved nor neglected.

THE QUESTION OF INDIAN AGENTS

(2) It is a well known fact that far too many of the White men holding positions as Indian Agents lack the technical and vocational training desirable to properly carry out the Indian Administrative Work entrusted to them.

The Indian Agent should be a man of refinement and culture, who honestly believes that no racial factor can limit the possibilities of a people, and that Native Canadian cultures have made great many worthwhile contributions to our civilization and ideals of liberty on this Western Hemisphere. He should be a man who understands that he can contribute to enriching these cultures if he adopts a generous, and optimistic attitude in dealing with the band or tribe under his charge. Such an attitude on his part will be his greatest guarantee for achieving success in his noble enterprise.

And it is very essential for the Indian Agent not only to understand and appreciate the various characteristics of the native culture of the region he is to work in, but also he must explore and find out what are the special problems of his area. In other words, he must not limit himself to office work only.

must be up and about and be able and willing to co-operate to the fullest extent in defending the Band or Tribe he is responsible for from the dastardly exploitation of which they are too often victims. And he must, at the same time, strive to constantly improve the living conditions and the education of the Indians in his agency. The Indians of Canada must again be able to be a proud, self-confident people and the best of their culture must be recognized and utilized to the best advantage of all peoples.

INTER-TRIBAL RELATIONS AND CORPORATE PURPOSES

(3) In the new Magna Carta for the Indians of Canada the following provisions should be made: (a) to eliminate the dictatorial powers of Indian Agents; (b) to grant certain rights and privileges of home rule to the Indian people; (c) to extend to the Indian people the right to form business and other organizations; (d) to establish a credit system for themselves; (e) to provide for more up-to-date vocational education for the Indians of Canada; (f) to provide a limited number of government controlled Indian Residential Institutes, undenominational in character and patterned somewhat after theaskell Institute in Lawrence, Kansas; (g) to provide more Day Schools for Indian children and better teachers who are sympathetic to the solution of the native problems.

INDIAN CIVIL SERVICE LAWS

(4) In the reorganized Indian Affairs Branch the Director should have authority to establish special Indian civil service laws with respect to standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to the general civil service laws, to the various positions maintained, now or hereafter, by the Indian Affairs Branch, the administration of functions or services affecting any Indian band or tribe. And all qualified Indians should thereafter have the preference to be appointed to the Indian Service as such vacancies occur. An office for carrying out this program should be organized.

TRIBAL INCORPORATION APPLICABLE TO INDIAN RESERVES

(5) In the new Magna Carta for the Indians of Canada the following provisions should be made: That any group or band or tribe of Indians, treaty or non-treaty, numbering not less than twelve (12) adults, as determined by the official tribal list, or Indian descendants of such groups, or Indians as they may be defined in the new or revised act, and who reside in convenient proximity to each other, be granted the right to organize as a co-operative unit, for its common welfare, and adopt a constitution and by-laws, under such rules and regulations as may be prescribed by the Director of the Indian Office in Ottawa; (a) That the Director be authorized to issue, upon receiving proper application, to any such organized group or band or tribe, a charter of incorporation, which shall become operative only when ratified by a majority vote of the adult members; (b) when an Indian group or band or tribe adopts a form of constitution and by-laws, and after such form of laws have been ratified by the Indian Affairs Branch; it gives them the right to run their own affairs about in the same way that a village or municipality operates; they will have the right to say what shall not be done with their tribal assets and funds; they will have the right to prevent the present arbitrary use of their trust funds by the Federal Government. The band or tribe which declines to approve of these added provisions will surely drift to the rear of the great advance in this historical march of progression being made by the Red Indian race.

RED INDIANS AND ADULT MEMBERS DEFINED

(6) When the term "Red Indian" is used in this brief it is meant to include all persons of Indian descent who are members of any recognized Indian group or band or tribe now under wardship of the Federal Government, and shall further include all persons of one-half or more Indian blood; (a) the word "Adult Members" wherever used in this brief shall be construed to refer to Red Indians who have attained the legal voting age of twenty-one (21) years.

ENFRANCHISEMENT, TREATY RIGHTS AND OBLIGATIONS, ETC.

(7) The question of Indian enfranchisement is a very touchy problem. The very mention of it at any Indian gathering creates a state of fear and distrust. To the reservation Indian it means the selling of your birthright for thirty (30) pieces of silver—and under the present system of Indian enfranchisement it is exactly that. The little blue walking ticket issued by the Director of the Indian Affairs Branch reads in part: "That from the date of the aforesaid order in council the provisions of the Indian Act and of any other act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of His Majesty's other subjects cease to apply to *him* as *he* now possesses and enjoys all the legal powers, rights and privileges of His Majesty's other subjects and is no longer deemed to be an Indian within the meaning of any laws relating to Indians." The enfranchised Indian is required to obtain permission from the Indian Agent before he may visit on an Indian Reserve. The enfranchised Indian cannot buy land on any Indian Reserve. He is cast out into sea or white humanity, to drift aimlessly about until he is sucked into the mad whirlpool of assimilation. Try as hard as you like, you cannot make an Indian into a white man by an order in council.

In the new Magna Carta for the Indians of Canada the following provision must be made: The right to vote in Provincial and Federal elections; (a) the right to retain their lands; (b) the right to acquire more land; (c) the right to retain their treaty rights and privileges; (d) the right to full citizenship without having to sell out their inherited birthright. Remember, gentlemen the Indians are a people too!

Respectfully yours,

JASPER HILL—"BIG WHITE OWL"

The Indian Council Fire of Canada, herewith respectfully submits the Appendices 1, 2, 3 and 4, to be added to the seven-point brief of July 1, 1946 submitted by Mr. Jasper Hill, "Big White Owl," of Toronto, Ontario, Canada.

OLD AGE PENSIONS FOR INDIANS

Appendix 1.—In the new Magna Carta for the Indians of Canada the following provision should be made:—The Federal Government take into consideration the Amending of the Old Age Pension Act so as to extend its various provisions to the Indians of Canada. The Indian People of Canada the Native Canadians, the Original People, are the only people who do not come within the provisions of the Old Age Pensions Act of Canada When we enquire why they do not come within the provisions of the Old Age Pension Act; why they are not entitled to old age pension; we are told, in no uncertain terms, that old and indigent Indians are provided with monthly rations allowance from the Indian Affairs Branch in Ottawa. And that monthly ration allowance amounts to approximately \$7.00.

INDIAN DAY IN CANADA

Appendix 2.—That the reorganized Indian Affairs Branch in Ottawa, make a special effort to promote the permanent establishment of an "Indian Day" in Canada, on the 19th day of April of each year.—In the season of the "Grass and Geese Moon," according to the Red Indian Calendar.

OUR NATIVE CANADIANS

Appendix 3.—In the new Magna Carta for the Indians of Canada the following provision should be made:—That the Director of the Indian Affairs Branch in Ottawa, Ontario, be authorized to publish an Indian magazine something like the "Indians at Work" booklet as published by The United States Department of the Interior. The Canadian Wartime Information Board had a very good little booklet: "Canada at War", and it served its purpose very well. The inhabitants of a young and growing democracy such as Canada should be inhabited by well informed citizens. Therefore, I believe, it would be a very good idea to have a monthly Indian magazine published under the title of "Our Native Canadians," and thereby be able to disseminate the news more efficiently regard to the Indian activities taking place in the various provinces of this great country—"Canada!"

INDIAN REPRESENTATION IN THE PARLIAMENT

Appendix 4.—In the new or revised Indian Act, a special proviso should be included which will enable the Indians of Canada to elect their own representative to speak for them in the House of Commons, and anywhere else in Canada . . . Remember, gentlemen, a thought once formed exists as an image in the mirror of many tomorrow's.

I Have Spoken!

JASPER HILL, "Big White Owl,"

July 7, 1946.

APPENDIX AA

COCHRANE BOARD OF TRADE

COCHRANE, ONTARIO

July 3, 1946.

The Chairman and Members,
Parliamentary Committee Studying Indian Affairs:

GENTLEMEN.—The Cochrane Board of Trade requests the opportunity to place certain observations before you. It is not that we claim to be able to present any comprehensive scheme for settlement of the complex of problems gathered under the head of "the Indian problem". But the Town of Cochrane is built on an old Indian camping ground. There is a large Indian population north, east and west of the town, and the railway system, to a lesser extent the road system, like the river system in former days, makes the town one of the major Indian trading centres. Nearly one-quarter of all Indians and Eskimos in Canada live in Ontario, and more than one-half of these (16,238) live in Northern and Northwestern Ontario (Table 32, Vol. II, 1941 Census). Excellent opportunities to observe certain aspects of the problem are therefore ours.

Economic Base of the Problem

2. As there was an economic base to the original relationship of Indian and white man—the trade in furs—we respectfully suggest that the committee should pay particular attention to the economic base of the present situation. It is suggested that at the moment—and during the past few years—certain aspects of the "Indian problem" are not acute, just as certain problems of the white

population are not pressing—and for the same reason. Employment is available for most of those who want to work. The committee will find large numbers of Indians working on the railways, in bush camps, and in factories in the industrial centres. The problem of employment is as fundamental in the economy of the Indian as of the white man, and tuning of the economic system to maintain a high level of employment for the whole population is in itself a partial solution of the whole "Indian problem."

3. We would commend in the highest terms the work which has been done to restore the beaver population of large areas around James and Hudson Bay. Originated by the late James Watt, taken under the wing of the Hudson's Bay Company, and later sponsored on a large scale by the Federal Government, the livelihood and prospects of large groups of Indians have been transformed. Projects relating to other fur-bearing animals seem to be equally successful. With co-operation of the Indian population and of the provincial governments, trapping is being placed upon a self-perpetuating basis. An increasing number of Indian families is in consequence being given an assured livelihood in traditional occupation. An extension of this program of wild life conservation and controlled trapping is strongly recommended.

4. The program referred to in the preceding paragraph improves the diet and health of those concerned in two ways. It is increasing the meat production (formerly seriously depleted), and hence improving the diet. And by assuring a larger and steady income it is correcting the purchasing habits and to a limited extent the housing conditions.

Treatment and Control of Disease

5. Progress is being made in this matter, and greater progress would have been made if the war had not delayed all building plans and led to a serious shortage of medical and nursing personnel. Because of the relatively small population and the vast distances of the North, with the extreme difficulties resulting from inadequate transportation (difficulties which for parts of the year cannot even be surmounted by air), it is not to be expected that city standards of health service can be made available to isolated groups in the great Northern territories. But improved hospital and outpost services, travelling clinics, and increased personnel, will help to meet the situation. We recommend that greater study and assistance should be given to the training of Indians as nurses and doctors. (The same recommendation applies to teachers.) And an improved network of radio communication is needed to bring needs and facilities and staff closer together.

6. We welcome the decision of the Department of Indian Affairs to establish a hospital for the James Bay area Indians. We are primarily concerned with seeing that better care is made available, but are naturally desirous of having such an institution located in Cochrane if it can serve the area here. With this in mind, we would like to call attention to certain factors:—

- (a) Any Indian hospital should be so located that it can be visited as conveniently as possible by relatives and friends of the patient. Sanatoria in southern Ontario, for example, are quite unsuitable for Indian patients. Availability for such visits is almost an essential element in the treatment—more important with Indians even than with whites. While the Moosonee area thus has an important advantage from the standpoint of the James Bay Indians, the large Indian population along the Canadian National Railway must be considered. Cochrane is a central point for the whole area.

- (b) Considered from the standpoint of a general hospital, and thinking particularly of emergency cases, patients brought by air from isolated sections can be flown to Cochrane from any part of the Bays in relatively little longer flying time than to Moosonee. Nearby Lillabelle Lake provides suitable base for flying boats.
- (c) It would obviously be simpler to obtain and keep competent and adequate staff in Cochrane than in an isolated outpost.
- (d) If the proposed new hospital is to be for TB patients only, we would recommend that study be given to the extended use of the Indian Wing of the Lady Minto Hospital at Cochrane.

Liquor Traffic

7. From the beginning of the Indian's contact with the white man, the former has been debauched by liquor. Fr. Dudouyt, emissary of Bishop Laval to Colbert, Minister of Finance under Louis XIV, in 1677, reported to his chief that he had told the King's Minister that "the inclination of the Indians for becoming intoxicated is much stronger than that of the people of Europe; that they have much greater weakness in resisting it; that it is universal, and that the disorders committed by the Indians are more aggravated, and this I proved to me, my Lord, in this way: If, in a bourgade, there be liquor freely accessible to the Indians they usually all become intoxicated, old, young, great, small, women and children, so that there is hardly one left unintoxicated; that if there be liquor for two days, drunkenness will continue for two days; if there is enough for a week, it will last for a week; if for a month, it will last for a month; that we do not see in Europe . . . It means, my Lord, persons who wish to have pleasures from the Indians by means of liquor, without respect to the risk of disorders they cause by that means, and without regard to their own salvation and that of the Indians."

—(Report on Canadian Archives, 1885, Vol. I, p. cl).

In January, 1690, the Marquis de Demonville, writing to the Marquis de Mignelay, King's Minister at Versailles, said, "I have witnessed the evils caused by that liquor (brandy) among the Indians. It is the horror of horrors . . . Those who allege that the Indians will remove to the English, if brandy be not furnished them, do not state the truth; for it is a fact that they do not care about drinking brandy as long as they do not see brandy; and the most reasonable would wish there never had been any such thing, for they set their entrails on fire and beggar themselves by giving their peltries and clothes for drink . . ."

—(Report on Canadian Archives, 1889, Vol., pp. 290-291).

(Quotations from Gustavus Myers, "History of Canadian Wealth").

8. Modern students of the problem see little to correct in such reports. Whatever degree of equality in economic, political and social spheres may be attained for the Indian population, it would seem that they are even less capable than their white neighbours of using liquor with discretion. We are not satisfied that sufficient vigour and care are taken to enforce the prohibition of use of intoxicants by Indians. We do not argue for increased prosecutions of Indians, except as a means to an end—that end being the corking of sources of supply. There appears to be room for more prosecutions of suppliers, and heavier penalties should have a salutary effect.

9. We suggest that study should be given to the advisability of establishing hostels in white communities like Cochrane where Indians congregate, in which they might obtain meals and lodging at reasonable rates, and opportunities for healthful recreation and rest, so that they will not be thrown upon their own resources, to gravitate toward the most unscrupulous elements of the white and mixed breed population. We are not advocating a "ghetto"; such hostels should serve transients only, and would appear to be one practical remedy for a real problem. If an average Indian away from home has money in his pocket and nothing else to do, it is logical that he should get drunk with the assistance of his white benefactors, whether the law forbids it or not.

Respectfully submitted on behalf of the Cochrane Board of Trade.

Approved by the executive council, July 3, 1946.

HAROLD A. WILLS,
President.

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Canada: Indian Act, Special Committee on the 1946
(SESSION 1946)



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

TUESDAY, JULY 23, 1946

WITNESS:

L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch,
Department of Mines and Resources, Ottawa.

OTTAWA
EDMOND CLOUTIER, B.A., L.Ph., C.M.G.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946



MINUTES OF PROCEEDINGS

THE SENATE,

TUESDAY, 23rd July, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2.00 o'clock p.m. The Joint Chairmen (The Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P.,) presided.

Present:

The Senate: The Honourable Senators Horner and Johnston.

The House of Commons: Messrs. Blackmore, Brown, Bryce, Case, Charlton, Farquhar, Gariepy, Gibson (*Comox-Alberni*), Harkness, MacNicol, Matthews (Brandon), Raymond (*Wright*), Reid—13.

In attendance: (Department of Mines and Resources): Messrs. R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; M. McCrimmon, L. L. Brown and A. G. Leslie, of Reserves and Trusts Service; and H. M. Jones, M. E. Armstrong and F. Kehoe, of Indian Affairs Branch;

Also Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Bryce, of the subcommittee on agenda and procedure presented the seventh report of that subcommittee. (For text of report, see page 645 of Minutes of Evidence.)

On motion of Mr. Bryce, it was unanimously

Resolved: That the seventh report of the subcommittee on agenda and procedure be adopted.

Mr. L. L. Brown, Junior Departmental Solicitor, Indian Affairs Branch, was called and questioned.

The Committee adjourned at 3.30 p.m., to meet again at 2.00 o'clock p.m., Thursday, 25th July next.

T. L. McEVOY,

Clerk of the Joint Committee.



MINUTES OF EVIDENCE

THE SENATE,

July 23, 1946.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 2.00 o'clock p.m. Mr. F. Brown, M.P., (Joint Chairman) presided:

The CHAIRMAN: Shall we open our meeting now, gentlemen? First, we would like to have the report of the subcommittee on agenda and procedure. Mr. Bryce, would you read that report, please?

Mr. BRYCE:

SEVENTH REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

Monday, 22nd July, 1946.

As the House has agreed to sit in morning session on and after Tuesday 23rd July, and in order to accommodate those members of your Committee who are also members of the Standing Committee on Industrial Relations,

Your subcommittee recommends that:

1. Commencing with the meeting called for Tuesday, 23rd July, and until further notice, your meetings shall be at 2.00 o'clock p.m.;
2. On Tuesday, July 23rd, the hearing of Mr. L. L. Brown, will be continued;
3. On Thursday, 25th July, Mr. Conn, Conservation Officer, Indian Affairs Branch, will be called;
4. On Tuesday, 30th July, Mr. C. H. Bland, CMG., Chairman, Civil Service Commission, will be called;
5. Brigadier General O. M. Martin, Toronto, will be invited to appear before your Committee on Thursday, August 1st;
6. Your subcommittee will, on August 1st, report with regard to further hearings of Departmental officials.

All of which is respectfully submitted.

The CHAIRMAN: It is moved by Mr. Bryce and seconded by Mr. Harkness that the report of the subcommittee on agenda and procedure be accepted. There any discussion?

Mr. CASE: I think the subcommittee should take into consideration the meeting of the Industrial Relations Committee. I would draw to the attention of the chairman the fact that that committee has decided to arrange its meetings that it may be possible for every member to attend the opening of the House. I presume that we would meet at two and rise at four.

The CHAIRMAN: I do not think it would make much difference in any event. For other reasons it may soon be necessary that we suspend the meetings of this committee until the next session. The minutes of our meetings are taken in shorthand by our committee reporters, and there is now a very serious shortage of court reporters. I have just been advised this afternoon that it is very difficult

to provide a reporter for this meeting to-day. Secondly, there will be a considerable delay with respect to the printing of the proceedings of our meeting due to the excessive amount of work of the printing bureau because of the many committees now in session, especially the Industrial Relations Committee which at the moment, is a very important committee, and must receive daily reports.

Now, for that reason, your subcommittee in paragraph 6 of this report has stated:

6. Your subcommittee will, on August 1st, report with regard to further hearings of departmental officials.

The consideration behind that thought is that it may be that we cannot proceed further during the present session of the House, (1) because of lack of stenographic help; (2) because we cannot get our minutes printed; (3) the members of the House are obliged to be in the House a certain amount of time, at least from 11 a.m. in the morning until 11 p.m. at night, with time out only for lunch. In fact, we are encroaching upon our lunch hour to-day by having this meeting opening at 2 o'clock. The Industrial Relations Committee, I understand, has four of our most regular attendants as members of that committee, so that the two committees do conflict. The House considers that that committee is a very important one at the moment.

Is there any further comment?

Mr. REID: Did the committee give any consideration to how many days a week we should sit?

The CHAIRMAN: You will note the report says Tuesday and Thursday each week. We did give consideration to extending that time but we felt, for reason of the heavy work in the House and the other committees at the present time, we could not ask the members of this committee to attend more than two meetings a week.

Mr. REID: In view of the fact that many members of this committee are on other committees.

The CHAIRMAN: The Industrial Relations Committee opens at 11.30 in the morning, and we have many members on it.

Mr. MACNICOL: I think you are using good judgment, Mr. Chairman. We did not get started with our meetings early this session, for well known reasons.

The CHAIRMAN: We were not born until late in the session.

Mr. MACNICOL: But next session we should start early and catch up on our meetings we have to forego for the balance of this session.

The CHAIRMAN: Let me remind the members of the committee that this is our twentieth meeting we have had. I believe, yesterday in the subcommittee in discussing this matter, we found that we have sixteen departmental officials yet to hear. We have found that each departmental official took at least two meetings, so, assuming each of the sixteen will now take two meetings we will have thirty-two more meetings before we will at least get the whole departmental picture. Thirty-two meetings at the rate of two a week means sixteen weeks, and counting four weeks to a month that means four months. In the subcommittee we were considering the request of this committee with respect to recess activities, and a report will be made to you on Thursday of this week with recommendations in that regard.

Mr. REID: I do not know how many members read the reports or how diligently they go into them, but the thought struck me, as a member of the committee, that we sit, as members of this committee, while briefs are being read, and during the reading, of course, we have not always had copies of the briefs before us. That necessitates, in many cases, the reading of the brief again. I was just wondering if we could not expedite and help things along, if briefs

re submitted to us in advance by the various officials rather than for us to for two hours listening to the briefs being read, and then have to bring back witness for questions on those briefs. I offer that as a suggestion.

The CHAIRMAN: I think we found that most members received probably five or six briefs in a day. Obviously we cannot read all of them. The objection to your suggestion was that we would not be finding time before the meeting to read the briefs that were then being presented.

Mr. REID: I had in mind the recess. Could we not have all the briefs read at the end of the session?

The CHAIRMAN: I think that will be generally done; however, Mr. Hoey would make a note of it and if there are briefs to be presented, he could present them now so that we could have an opportunity to study them during the recess.

Mr. BLACKMORE: I would rather hear them read, even at that.

The CHAIRMAN: Yes, but they would be subsequently read anyway.

Mr. HARKNESS: I agree with Mr. Reid, that we could save a fair amount of time that way, if we had these briefs before the recess. I think that during the recess every one would have plenty of time to read them and to make notes on them and come back prepared to ask questions. I do not think there would be any necessity of having the briefs read again after that.

Mr. BLACKMORE: As far as I am concerned, my reading capacity is at least limited. It is not unlimited, and I would rather hear the thing. A member cannot easily break himself down and ruin his eyesight and do other unfortunate things by trying to read too much.

The CHAIRMAN: No member can read all the briefs that come before him.

Mr. GIBSON: If you do too much reading at home, you will lose your wife and family!

Mr. CHARLTON: We should have time to read over the briefs to enable us to ask questions. We should not have to sit here and hear them read over and over again.

The CHAIRMAN: I think we have had a fair discussion of this matter. All those in favour of this report please say 'aye'? All those contrary? I declare the report carried.

The witness to-day is Mr. L. L. Brown, who gave us this very excellent evidence of the other day on estates and trusts. Is it your pleasure to hear from Mr. Brown further?

Mr. MACNICOL: Yes.

The CHAIRMAN: Very well. Come forward, Mr. Brown, please.

Leonard L. Brown, Junior Departmental Solicitor, Indian Affairs Branch, recalled:

By the Chairman:

Q. Mr. Brown, you have completed the reading of your brief?—A. Yes.

The CHAIRMAN: Now, gentlemen, if you would like to present your questions, you would ask that each member of the committee be permitted to complete, as fully as possible, his line of questioning before another member interrupts. Of course, if you have anything pertinent to the question, I would see no objection to interruption.

By Mr. MacNicol:

Q. I have six questions. On page 541, Mr. Brown, reports that there approximately 200 acres of land available per Indian, not in every reservation but as an average throughout the country. What percentage of those 200 acres would be arable land?—A. I am not sure I can answer that question, Mr. MacNicol. That was more or less of a general statement. It was 200 acres per average family.

Q. My point is that I have been on many reserves and much of the land I have seen on the reserves is poor land.—A. That figure was arrived at by dividing the number of Indians into the total acreage on the reserves in Canada.

Q. It does not really mean very much.—A. It does not mean very much.

Q. On page 543 you made reference to the Chemahawin Indian Reservation. "Also in the Pas agency the department has secured from the provincial government 2,080 acres as an addition to the Chemahawin Indian Reserve." What would that be?—A. It is, I believe, on Cedar Lake; part of it is swamp and part of it is agricultural land.

Q. Yes, I have been there.—A. I do not know what the proportion is, but I believe it included both types of land.

Q. It would not be more than half a mile from Cedar Lake itself. There is some land there. I spent an hour or two on the reservation. I would like that most of it would be swampy land good for raising rats.—A. Some of it was.

Q. The next question is also on page 543: "The Stony Band selected 70,000 acres near Morley."—A. Yes, I believe that is correct.

Q. That land is exceptionally poor land, I would say, because of the fact that you bought more, another 9,000 acres near; is it adjacent to the reservation?—A. Not immediately, but close to it, I believe.

Mr. HARKNESS: It is, as a matter of fact, adjacent to it. It joins right on to the reserve.

By Mr. MacNicol:

Q. It is joined to the reservation?—A. Yes.

Mr. HARKNESS: Entirely on the south side of the Bow River.

By Mr. MacNicol:

Q. We passed a bill at the last session about the power rights on the Bow River. What does the department do to make sure that the Stony Indians receive fair compensation for the surrender of their power rights or for permission given to an operator to use their water? They have reserves on both sides of the river at that point?—A. It would be our department, probably through the assistance of our Water Power Bureau. I cannot say what the result is in this instance. I do not know.

Q. The next question is at page 547 down near the bottom of the page. You make reference to: "(a) For the purpose of any railway, road, public works or work designed for any public utility with the consent of the Government in Council." I want to ask about the railway rights. Take Mr. Blackfoot reservation, the Blood Indian reservation. Where the railway runs west from Lethbridge it runs through the Indian property. We would see to it, what method would be used to see to it, that the Blood Indian reservation, further north, the Blackfoot reservation, receive fair compensation for the railway's right to run through the reservation?—A. Both the Indians and the department are involved in a deal like that. The railway would go to

Indians and arrange for the compensation to be paid to them. If the railway and the Indians cannot agree on the compensation, the Railway Act provides for a board of arbitration.

Q. Why wouldn't they do that in the beginning, the same as if they were going through a white person's property?—A. They have an opportunity of arriving at their deal, if they are satisfied to accept a certain amount. I think that practice has been fairly common in the past; they have been able to reach an agreeable rate of compensation.

By Mr. Case:

Q. Might I ask a question? Would the negotiations be carried on with the individual Indian or would the band be entitled to consideration as well?—A. Both; the individual for holding a unit for which he was recognized as the owner with the consent of the band.

By Mr. MacNicol:

Q. You make reference to the band selling their lands and themselves receiving the money, which is quite all right. But there are other bands with poor land. Would it not be advisable, where one band sells land, to make use of the money for buying better land elsewhere?—A. For other bands?

Q. Yes, or for the same band?—A. Where the reservation is set aside for a band of Indians, where any portion of it is sold, the proceeds are for that band.

Q. Before the land is sold, there would be an accurate estimate made of the possible growth of that land?—A. That is true.

Q. Before selling it. My last question pertains to estates on page 554, at the bottom of the page, where you say: "My third main heading is estates." If an Indian makes a will, who draws the will for him?

The CHAIRMAN: What is the question again?

By Mr. MacNicol:

Q. If an Indian makes a will, who draws the will for him?—A. It can be anybody, in practise. Nearly always, on a reserve, there are Indians who make practice of drawing wills for other Indians. In other cases they will go to a lawyer in an adjacent town. Then again, the Indian agent may be asked to do it.

By the Chairman:

Q. Does the drawing of a will have to comply with provincial laws?—A. With respect to personalty, I think, but not with respect to land. That is getting into a sort of involved question. There have been decisions given that—

By Mr. Cases

Q. I have one question on page 544, the one where I received the little picture. I asked the witness, Mr. Brown, "Q. Does the land become subject to taxation then?" And his answer was: "No, it is still part of the Indian reserve." Then, he added that he would enlarge upon it.

The CHAIRMAN: What page is that?

Mr. CASE: That is on page 544. What observation would he like to make. You got sort of involved as well.

The CHAIRMAN: I did not get involved.

Mr. CASE: You could have.

The WITNESS: The answer is that the land itself does not become taxable. The white tenant of the land becomes taxable by the municipality. In other words, when a white farmer goes in there and takes Indian land under lease the municipality may tax him.

By Mr. Case:

Q. In other words, he would not enjoy the advantages himself by leasing the Indian land.—A. Right. If he does not pay his taxes, the municipality has no claim against the Indian or against the land, but only against the tenant.

Q. If they do not enforce their Act?—A. There are lots of cases where they do not even know there is that Act. They do not enforce it. We know they do not.

Q. That might encourage a white man to pay a little higher rent for it if he thought he was going to get it without taxes; likewise the Indian might be inclined to negotiate the deal because he would not be charged with the labour of operating his land.—A. That may be true in some cases.

Q. Do you think it would be a good arrangement?—A. That brings up the entire problem I mentioned in my brief, whether an Indian should be allowed to lease land that he won't work himself.

By Mr. MacNicol:

Q. What is your answer?—A. I said that that brought up the whole problem I mentioned in my brief, whether an Indian should be allowed to lease land that he won't work himself, and whether we should permit Indians to sit back and take the revenue where they won't work their own land.

Mr. BRYCE: But the country allows white people to do it.

By Mr. Harkness:

Q. Has the deal for these two ranches actually gone through?—A. No, but it is on the point of going through.

Q. There is no doubt that it will go through?—A. I think I can safely say "yes".

Q. When will the department secure possession of that land?—A. April 1 1947.

Q. Have any further steps been taken in connection with securing land that might be used for the Wesley band of the Stonies on the north side of the river?—A. Yes, I think we are still looking around in that neighbourhood. I believe it is for that unit. Is that correct, Mr. Hoey?

Mr. McCORMON: No further steps have been taken with respect to the Weslies.

Mr. HARKNESS: The Wesley land is probably the worst land of the entire Stony tribe. They, of course, will be, in their present home, a long way from this new land, so it won't be of much value to them even if they just cut hay. They were particularly anxious that some land on the north side of the river adjacent to the east end of the reserve might be secured for them.

Mr. McCORMON: I discussed it with the Chief in Calgary a few weeks ago. I hope to discuss it with Mr. Allan during the next few days.

Mr. HARKNESS: You are still contemplating that?

Mr. CASE: If we are to hear someone give evidence, shouldn't he be introduced to the committee so we may know who he is?

The CHAIRMAN: I agree. This is Mr. M. McCrimmon, chief of the Reserves and Trusts Division, Department of Indian Affairs. Are there any further questions?

Mr. CHARLTON: Regarding estates, there are many instances with respect to Indians, not full-blooded Indians now, but Indians whose ancestors have kept on marrying whites down through a series of years. In cases where the present family has no son and only daughters, what becomes of the land upon the death of the present owner, when he has a daughter who is married to a white?—A. There could be two answers to that question, one, if the man died testate, and the other, if he left a will.

Q. If he leaves a will?—A. If he leaves a will, naming the white daughter his sole heir, then section 25, subsection 3 of the Indian Act covers the case. Under those circumstances the Minister shall sell the land to any member of the band or to the band itself and the proceeds thereof shall be paid to such devisee or heir. In other words, no person of white status can hold land on an Indian reserve. He can inherit it, but he cannot take physical possession. It must be sold for a cash payment.

Q. Supposing this chap had a grandson by the white daughter, of course; and that grandson become a member of the band?—A. No.

Q. He can not?—A. He can not.

Q. I understand that in some cases that is being done now.—A. Not to my knowledge.

Q. There is a way of getting around that particular thing.—A. No, not to my knowledge.

Q. There is no way, then, whereby the daughter could live on the property?—A. Oh, she might be given permission for a month or so, but not any permanency; she could not hold that property permanently.

Mr. CHARLTON: I might say, Mr. Chairman, on the Six Nations Reserve, there are probably some cases where people have taken a very great pride in their farms, and it so happens that they have no sons. They feel very badly because, as you well know, that farm is probably worth \$5,000 to \$6,000, but would probably be sold to a member of the band for perhaps \$2,000. The people feel they would be "gypped" in that case.

By Mr. Farquhar:

Q. Is there any action being taken by the department to purchase back lands that have been sold off the reserve to whites? Some of them have been sold to whites?

By Mr. MacNicol:

Q. Land sold by the band?—A. There may have been a few scattered cases. I know of one case where we bought back a 40 acre parcel that had been franchised out to an Indian forty years ago. We bought back a railway right of way recently on a reserve, but I cannot think of any large scale movement of that kind.

By Mr. Farquhar:

Q. I know of one white man who had a store right in the centre of an Indian reserve. He is still living there and I find he is sometimes making quite a lot of trouble. Is there any action being taken to purchase back land that has been sold that way?—A. I think that probably would be the type of case where we would purchase it back. That was an enfranchisement case again.

Q. That is right.—A. To-day we do try to buy those lands back because we do not like an individual to be isolated within the boundary of a reserve that belongs to the Indian people or of which we have no control.

Q. Has any action been taken by the department to do that?—A. Not to my knowledge. I do not personally know that the Indians do not still do that.

By Mr. Case:

Q. Can an Indian adopt a child and make him his legal heir or a member of the band?—A. I would rather not answer the second part of that question. I would say he can adopt, yes; but I am not at all certain as to the status of the adopted child.

Q. There is one example in the reserve near my home where an Indian has adopted an Indian boy. That boy has served overseas and has a very fine record and has now returned home. The father expects he will be the heir of his estate, but so far he has found no means whereby he could have been admitted to the band.—A. Is the boy a member of the same band?

Q. It is his sister's child, but he has never been a member of his band.—A. That more properly might be brought up in connection with band membership, because it is directly involved in that question.

Mr. REID: I have one or two questions. I am sorry I have not my list of questions. I seem to have mislaid it, so I will have to take the ones I have just checked up hurriedly. My first question has to do with additional lands as mentioned on page 543 of your report, where it states: "In British Columbia the additional lands secured by the department have, for the most part, been small holdings and a few of these are as follows:", and it goes on to outline where those additional lands have been.

The CHAIRMAN: What is the page of the printed report you are referring to?

Mr. REID: At page 543 of the printed record.

By Mr. Reid:

Q. Has the report of the British Columbia Commission which sat in 1916 in regard to Indian lands in the province of British Columbia been dovetailed into the work of the Dominion, and is the lands mentioned on page 543 of the report land as recommended by the commission that was appointed in British Columbia in 1916?—A. I am afraid I could not answer that without looking it up.

Q. It is important, because one of these days I am going to bring down the British North America Act to prove that we, at the time of Confederation stipulated with the Dominion that the Indians had to be treated as fairly and generously as they had been treated by the colony of British Columbia prior to Confederation. I am anxious to know just what treatment they did receive in certain aspects. In 1916 the government set up a commission which visited every reserve in British Columbia with the exception possibly of some away in the north. At a later date I shall bring down the recommendations. You mentioned on page 543 additional lands. Has that been done at the instigation of the authorities and following the commission's report in British Columbia?—A. They were quite recent, within the last three years.

Q. I would like you, at our next meeting, to give me the answer as to what steps the Dominion government took in regard to the recommendation of the Royal Commission in British Columbia in 1916. Now, with regard to leasing I am inclined to the view expressed by Mr. Bryce. My own view is that in the past they have been a little too strict, with respect to land held by the Indian

with regard to the leasing of that land. I think if we are ever to establish the Indian as free and white, the situation should be given a little more latitude.

Now I come to the question on page 546 of weeds on land, the cutting of weeds on land. My question is, does the department go ahead and cut weeds on Indian land in conjunction with the municipalities or in accordance with the municipal law; or do you know of instances where the Indian department has cut weeds on land, and the municipalities have not obeyed the law relating to the cutting of weeds?—A. No, I cannot say that I know of any instance of that nature.

Q. I believe it is important. I happen to have had some experience regarding the cutting of weeds, because I have been a reeve for nine years. We cut weeds on Indian lands, but before doing so, we cut them on our own municipal lands. Do you know what is being done in the other provinces? Are you going ahead and cutting weeds on reservations, while the land of the private individual and the municipally-owned land is left with the weeds growing on it? I want to know if the Indian department has a policy of their own or in conjunction with the municipalities, and in accordance with various municipal laws and acts?

Mr. MACNICOLL: You mean white farmers' lands?

Mr. REID: No, in most municipalities, in each province, the municipality passed laws regarding the cutting of weeds, and they can go in and cut weeds on your land if you do not do it, and sell your land for it. I want to know what is being done by the Indian department. Are they actually doing it in certain districts, while the municipalities and the people are ignoring those laws? Is the Indian department alone spending money in doing so, or what co-operation they getting?

Mr. HOEY: I think I can answer that question because it comes under the welfare division. When noxious weeds or weed infestation is brought to the attention of the department, we usually work through the Indian agent or the district instructor to have the land brought into a state of cultivation that will be acceptable to the municipal authorities. I have a case in mind that happened about three weeks ago at Ste Anne's, where there was weed infestation and the weed inspector brought it to the attention of the municipality who brought it to our attention. They said it was foolish or unwise for that particular municipality to go out on a weed elimination or a weed reduction programme, if the weeds were allowed to grow on that particular Indian reserve and infest the adjoining countryside.

I have not the exact figures in my mind at the moment, but I think we spent \$100 to \$5,000 in oil treatment in that particular area. We certainly do everything that is humanly possible not to antagonize the municipalities and to bring a programme, in so far as we can, into conformity with theirs. It is just common sense. That thing comes up quite frequently in the welfare division. We get notice of weed infestation on a particular reserve and we take what we deem to be the necessary steps to correct the condition.

Mr. REID: I suppose you know that many municipalities are afraid, for political reasons, to enforce such a policy; but they can say to the Dominion government, "Go ahead and cut it."

Mr. HOEY: They bring it to our attention quite frequently and we try to do the best we can.

By Mr. Reid:

Q. On page 547 I was rather intrigued by a statement that you lease and sell houses to white people, houses that are situated on Indian lands. I am just wondering if you have any of the difficulties that other people have, once you get a man in a house.—A. Yes, we have.

Q. Not that I am against it; but we in British Columbia took over all Japanese property following Pearl Harbour. Many of those properties were left to white people to look after. They had a terrible time getting people out of the houses due to the housing shortage.

The CHAIRMAN: Who do you mean by 'they'?

Mr. REID: The government, or the Veterans' Land Act officials acting for the government.

By Mr. Reid:

Q. I wonder what policy is in effect in leasing houses and allowing people to go on the reserve and lease houses? I did not know that there were any Indian houses fit for white men; I am glad to hear that there are; that is all the good. I am, however, rather interested in the leasing program. Can you make a further explanation regarding it?—A. I was largely referring there to the reserves, Pierreville and Caughnawaga in Quebec. Those reserves were near manufacturing centres and there was an inflow of white persons to those towns during the war years. Due to lack of housing facilities, they overflowed to the nearby Indian reserves and wanted to lease from the Indians various vacant houses due to wartime needs. The Indians were quite willing to do it. They wanted to do it.

Q. What rents were charged? Were they under the Rental Control order? A. They were not originally, but I believe they are now.

Q. What about eviction?—A. I do not know of any case where we have actually to evict anybody down there.

Q. Who sets the rental?—A. The Indians themselves.

Q. What was the range of rentals, and what were the size of the houses?

A. I would say that some of them went as high as \$25 a month.

By the Chairman:

Q. Supposing you had to evict somebody, would the provincial law apply?—A. There is a provision, I may say, in the Act for eviction of trespassers upon reserves. A person is a trespasser who has actually gone on without permission or who exceeds his permission to stay.

Q. What about overholding tenants?—A. Overholding tenants? Our leases are double-barrelled; there is a permission to lease and a permit to be on the reserve. The Act provides quite fully for the eviction of persons who are unlawfully on the reserve.

By Mr. Lickers:

Q. In view of the fact that the department actually leases the land to the white person, do you guarantee his rent to the Indian owner?—A. I would say 'no'.

Q. Why not?

By Mr. MacNicol:

Q. That is a good question, too.—A. We are leasing on his behalf.

By Mr. Lickers:

Q. But the lease is signed by the department.—A. The lease is signed by the department as provided by the Act.

Q. Yes?—A. But on behalf of the Indian.

Q. The money is paid by the tenant to the department. Is that correct? A. That is correct.

Q. And the department then sends out a check to the Indian?—A. That is correct.

By the Chairman:

Q. Do you do that as agent for the Indian?—A. That is approximately the position, yes.

By Mr. Gibson:

Q. Is the money obtained in advance?—A. Sometimes, and sometimes not.

By the Chairman:

Q. Would you rent the property, as suggested by Mr. Lickers, without the Indian's consent?—A. No.

Q. When you do enter into a lease, you do so as agent with the consent of the principal who is the Indian.—A. A preliminary document is signed by the Indian and is sent to us; and from that formula the lease is drawn up.

By Mr. Lickers:

Q. The lease is actually between the Indian and the department, and the department then turns around and more or less sub-lets it to the white tenant. If that is the case, why don't you then guarantee the Indian his rent in view of the fact that you are actually leasing from him?—A. I do not think we are actually leasing from him; that is not the type of agreement that comes into us. There is no agreement between the Indian and the department as such. The agreement that is sent into us, and from which the formal agreement is provided, is a preliminary agreement between the lessor and the lessee, between the Indian and his tenant.

By the Chairman:

Q. Does not that establish your agency?

By Mr. Case:

Q. Does the Indian sign the final document?—A. No, the final document is signed by the department and the lessee.

Q. Why not have the Indian's name on it and make him a party to the agreement?—A. We have it on the preliminary agreement which embodies the same terms in short form that are in the final document.

By the Chairman:

Q. Why do we not have the Indian realize his responsibilities in connection with the document by putting his signature on the formal completed document?

Mr. MACNICOL: What redress has he got against the white man?

The CHAIRMAN: It would have to be the Indian Affairs Department that would make the agreement with the lessee; but in giving his consent, the Indian would join in the document.

Mr. CASE: In other words, the three parties to the agreement would all be identified with the agreement.

Mr. LICKERS: The reason why I asked that question was because at the present time the Indian does not collect the rents at all. He has to wait until he gets the money from the department and often times he might get the rent from the department about three months or more after it was paid to the department by the tenants; and often times he does not know whether the rent is paid or not. So, in view of the fact that the final lease is

between the department and the tenant, I think the department should at least guarantee the Indian his rent as it becomes due, regardless of whether it has been paid or not.

By Mr. Reid:

Q. Does the rent go to the band or to the man direct, to the Indian ultimately?—A. To the individual, if it is an individual holding.

Mr. MACNICOL: I think there is some point to what Mr. Lickers says.

The CHAIRMAN: I cannot agree with him as a matter of law. Of course lawyers do not agree anyway.

By the Chairman:

Q. Is it not a fact, Mr. Lickers, that if A owns land and gives an agency agreement to B, and B rents that land to C, then B would be personally responsible for the payment of the rent?

Mr. LICKERS: I think so.

The CHAIRMAN: That would mean that A, who has engaged B, is the principal. A is personally responsible to himself for the rent because B and A are the same. A owns it and B is the agent. B merely enters into an agreement with C.

Mr. LICKERS: On the straight principal and agency basis.

The CHAIRMAN: Isn't that what this is?

Mr. LICKERS: No, this is more than that—because the Indian cannot himself rent to a white person without, first of all, more or less surrendering the land to the department, and then the department sublets.

By Mr. Reid:

Q. I do not want to get side tracked, but off hand I think the Indian is probably better protected by having the Indian department act as his agent because when it is the Crown, it would make a difference.

By Mr. Bryce:

Q. Can an Indian rent land himself without the assistance or supervision of the Indian department?—A. No.

Q. Then I think the second party who comes into it is responsible. You maintain that the Indian is not responsible and cannot do his own business, then when you do not collect the rent for him, you say it is his lookout.

Mr. HOEY: Could I interject a comment. I think that the present arrangement is profoundly unsatisfactory. Mr. Lickers speaks of the Six Nations; but take the case of the Queen Charlotte Islands. If a man rents a piece of land there—out in Mr. Reid's constituency—the rent is paid to the Indian agent and that rent is forwarded to Ottawa. We have been short of staff during the war years. In fact, we have been short of staff since I entered the department ten years ago. There are delays which are necessary and delays which are unnecessary and the Indian becomes profoundly dissatisfied. He does not know whether the rent has been paid or not.

Mr. MACNICOL: He would not know, would he?

Mr. HOEY: No. I have suggested to the treasury officials, and Mr. McCrimmon suggested to me this morning, that this is one problem with which the committee would have to wrestle. I have suggested to the treasury officials that the rent be paid to the Indian agent, that it be deposited in a trust account at the local bank, and that the Indian agent be bonded to issue cheques against it. I cannot see why that cannot be done. But the treasury officials say there are

insurmountable difficulties in the way. But whether that be so or not, this is one of the really important matters with which this committee must deal and which must settle because the present practice is profoundly unsatisfactory. More criticism reaches us with respect to it than about any other single administrative problem facing us at the moment. Just think of the delay in forwarding money from northern British Columbia to Ottawa.

Mr. REID: I am glad this matter has been brought up. One of the chief complaints of the Indian is that of delay in waiting to hear from Ottawa.

Hon. Mr. HORNER: To my personal knowledge it is in the wheat lands of western Canada where the Indian may see his credit disappear. The tenant may take the crop and sell it. He may be moving out. He may have taken a valuable crop of grain, sold it all, and paid nothing. I suggest that with respect to land of that kind the rent should be paid in cash. There should be a cash rental then there would be no doubt about the crop being moved off, or a division of the crop.

Mr. BRYCE: Would you apply that recommendation to the other things as well as just to rent for a house? Suppose a man is receiving wages that are being paid to him.

Mr. HOEY: Yes, I would apply it to the most important things first such as these leases whether they be for land or houses. I may be a little bit dull and stupid, but I cannot, for the life of me, see why an Indian agent who is bonded, as a responsible departmental official, cannot accept that money and hand it over to the Indian just as capably as an official at Ottawa.

Mr. REID: The books can be audited once a year.

Mr. HOEY: Yes, the books can be audited once a year. It all seems very silly to me, not to adopt the idea.

Mr. CHARLTON: Would it not make things a lot easier if the Indian should sign that agreement along with the agent?

Mr. HOEY: It would not make any difference.

Mr. CHARLTON: Then the dominion would be purely an agent in respect of subletting the man's land, you would have the rent payable in advance, and you would have a month to work on too.

By Mr. Reid:

Q. I mislaid my long list of questions. My question has to do with page 9. "Up till 1936, the Department of Indian Affairs had a survey staff among personnel but following the amalgamation in 1936, creating the Department of Mines and Resources, this staff was incorporated in the present surveys branch of the department." How many of a survey staff did you have?—A. I believe it was five.

Q. Were these people kept fairly well employed surveying Indian lands before the amalgamation?—A. I would say so, yes.

Q. I think, Mr. Chairman, we should note that it says: "since the creation of the Department of Mines and Resources, this staff was incorporated in the present surveys branch of the department," which means that, in effect, since 1936, the surveyors have all been given new jobs.

The CHAIRMAN: What page are you reading?

Mr. REID: It is page 549. They have been taken away from the Indian department, and now the Indian department is left to get a surveyor wherever it can.

By Mr. Reid:

Q. How many surveys a year would you be called upon to make?—A. would vary. I perhaps misled you by saying there are five on the staff. I do not think all five were qualified surveyors. There was a staff of five attached to the survey section, but perhaps two or three of them would be surveyors only.

Q. I do not want to correct you in your statement, but at page 550 I notice you say: "The survey season in Canada is so short." you had better modify that statement because we think twelve months in a year is the whole year out of British Columbia.

I have one other question. On page 561 it speaks about timber cruising and timber dues. My question to you is this, and it is asked in the light of the earlier title deeds in British Columbia. I, at one time, owned land in British Columbia which was old Crown grant land. The owner had all the timber and all the mines, under all old Crown grants up to 1882 issued in the province of British Columbia. The owner of the land obtained a clear title to the timber, to the mines, to the minerals and to everything. He had no timber dues to pay at all. I wonder, in so far as our province is concerned, why the Indians now would have to pay timber dues, because their land ante-dates 1882.—A. But the Indians pay timber dues to himself by paying it to his band. With respect to timber on the Indian reserve, if any one Indian cuts timber to the exclusion of the other, he must pay back a portion on that to the general band fund.

Q. Yes, that would answer my question fairly well. I did not have that point before I asked it. There has been criticism regarding the length of time taken for agreements and titles. I know I attended one meeting of Indians out there and you could hardly mention the department at Ottawa. They were not prepared to have anything. They were prepared to wait as long as five years in getting an agreement from Ottawa. I think we had better look into that matter because agreements and documents from Ottawa cause more unrest in my opinion, than anything else. That is all I have for the moment, but if I can find my list of questions, I shall have a lot more.

By Mr. Bryce:

Q. Could Mr. Brown tell us something about the St. Peters reserve? How much land has been sold of the original lands of the reserve to the provincial government?—A. I am not quite sure.

Q. I would like to have the history of the whole thing.

Q. That is a long and big deal. The former reserve as surrendered by the Indians contained 48,000 acres, and was surrendered by the Indians in 1907.

The CHAIRMAN: Where is this reserve?

Mr. HOEY: It is north of Winnipeg, between Winnipeg and Selkirk.

The WITNESS: The old reserve was called "Selkirk". The Indians surrendered it for sale and the property was auctioned off. Certain lands and certain parcels went to various Indians who were nominated by their bands to receive patents for their land. I am not sure how that lease was prepared; I think it was done by the Chief and the council.

Q. You are sure that the council was included?—A. That is my understanding.

Q. My understanding is that the Chief did the business, but I want to clear on that. You people in the department ought to be able to give authentic information as to which is right and which is wrong. You do not know how many acres the provincial government holds now?—A. No.

Q. Could you find that out for us?—A. I think I could.

Mr. CASE: On a point of order, how many constitute a quorum?

The CHAIRMAN: I can still see a quorum.

By Mr. Bryce:

Q. Could you give me authentic information regarding the land that was taken over by the Soldiers' Settlement Board and sold by them and then, I understand, was returned to the Indian department, and also what you are doing in connection with it now? There are Indians there who have hay rights, or have they lost them?—A. Is that at St. Peter's too?

Q. Yes.—A. I believe it was never actually taken over by them. They were merely administered on their behalf.

Q. There was some arrangement made; I do not know what the legal terms were.

Q. Was there any money transaction there?—A. I would have to look this for you.

Q. Will you get it and put it in the record so that we can have it.

The CHAIRMAN: Wouldn't it be better for him to get it and bring it back here so it could be put into the record?

Mr. BRYCE: Yes.

The WITNESS: All these things happened before I came into the branch.

By Mr. Bryce:

Q. They happened before I was a member. I do not want to condemn a person before I hear the department's views.

Mr. HOEY: There was a statement made about the alienation of land at Walpole Island, by a witness who appeared before the committee, Mr. Paull. I think it was a rather serious charge, that we had been alienating land without the consent of the band. You many remember. I think that Mr. Bowden who was responsible for the administration of that matter should have an opportunity.

The CHAIRMAN: Yes, I think that will be quite in order. Mr. Paull was connected with the North American Indian Brotherhood and he made an assertion at page 457.

Mr. RAYMOND: Concerning a reserve in Ontario.

Mr. HOEY: One.

Mr. RAYMOND: One case.

The CHAIRMAN: At page 457.

The WITNESS: Page 457, a question by Mr. Farquhar.

The CHAIRMAN: The report reads as follows:—

By Mr. Farquhar:

Q. Has any part of your reserve been taken away in recent years?—

A. This year, yes, this year.

Q. Where was that?—A. I have not got the date, but I can find that for you.

By the Chairman:

Q. Where?—A. Walpole Island. The Indian agent sold a piece of land.

Q. Without consulting the band?—A. Without consulting the band, yes.

Q. Where was the land?—A. On the Indian reserve at Walpole Island.

The way, the witness at that time was Mr. Paull.

The WITNESS: Yes, Mr Andrew Paull.

The CHAIRMAN: Does Mr. Paull represent the Walpole Island Indians?—He does not.

Mr. HOEY: That is a rather serious charge against the Indian agent.

The CHAIRMAN: Yes, I think it would be quite in order to have a correction of that statement now.

The WITNESS: The implication of that statement was that land had been alienated from the Walpole Island reserve without the consent of the band. The statement is entirely incorrect in that no portion of that reserve has been alienated for years. It is typical of the type of statement that is continually being made to the branch, or against the branch; and when a person makes it attempts to check on it to see if it is accurate or not, the actual fact then was that the piece of land was sold within the boundaries of the reserve, but it is not a part of the reserve and has not been for some thirty-five years.

By Mr. Bryce:

Q. Is that where the customs office was?—A. That is where the customs office was; that was transferred to the Department of Marine and Fisheries in 1908 and was given up some years later to the customs people for that purpose. They built a new building and sold it to a white person for a summer cottage and it has been used for that purpose ever since. But it changed ownership this year.

Q. Was it originally Indian land?—A. Yes, it was part of the Walpole Island reserve.

Q. Was it not the policy of your department to acquire that land back?
A. It might have been if we knew it was going to be sold.

By Mr. Raymond:

Q. It was surrendered land?—A. No, it was not surrendered, it was expropriated. It would come under our present section 48 of the Act, for public purposes.

By Mr. Case:

Q. That is probably what was confusing him.—A. He just heard that was sold.

By Mr. Bryce:

Q. Was it paid for or just taken?—A. Yes.

Q. Have you got the price?—A. Yes, \$500.

By Mr. Raymond:

Q. When land ceases to be needed for public utility, you have no provision in the Act saying that it should be returned to the Indian?—A. No, there is no provision in the Act.

By Hon. Mr. Horner:

Q. In a case of that kind would it have been better policy to have given it back to the reserve or at least have given them an opportunity to acquire it?
A. It certainly would have been.

By Mr. Bryce:

Q. Is that the case Mr. Farquhar referred to?

MR. FARQUHAR: No.

By Mr. Lickers:

Q. When an estate is filed, or an application is made to your department do you have to send in a valuation both to the Dominion and to the Ontario succession duty offices here in Ontario?—A. No, we do not generally deal with the Ontario succession duty office at all. We do not recognize that lands on Indian reserve are subject to the Ontario Succession Duty Act.

- Q. How do you get a release of the bank account?—A. By filing a return, we require a release; but we do not file a return unless we require a release.
- Q. So, as far as the Dominion is concerned, does the Dominion Succession Act apply to estates?—A. It has been held to apply to Indians.
- Q. On taxation?—A. Yes.
- Q. Is that correct?—A. That is what we have been advised.
- Q. In arriving at the valuation, do you also include in the estate the value of the land which may be in that estate on the reserve?—A. Everything, for Dominion succession duty purposes.
- Q. That would be as far as the land on the reserve is concerned; then, that is part of the valuation, would not that be going contrary to the provisions of the Indian Act which says that no land or property owned by an Indian is taxable on the reserve?—A. That is correct; but my understanding of the matter is that that provision is overridden by the Dominion Succession Duty Act which is an Act of the same parliament at a later date.
- Q. Have you run across any difficulty with the provincial authorities along that line?—A. Not that I can think of. I do not know of any case where they have attempted to claim that a tax should be paid on Indian lands. There may have been in the past.
- Q. You have no difficulty in getting releases from the provincial authorities?—A. I cannot recall any.
- Q. Now about the gas lease on the Six Nations reserve; was that renewed last year?—A. Can you answer that, Mr. McCrimmon?
- Mr. MCCRIMMON: My recollection is that the lease is a perpetual lease and does not have to be renewed.
- Mr. LICKERS: I would like to have a copy of that lease because I do not know that it is.
- Mr. MCCRIMMON: My understanding of that lease is that it reads: "as long as gas is found."
- Mr. LICKERS: Could I get a copy of that lease?
- Mr. MCCRIMMON: Yes.
- Mr. LICKERS: In connection with the Kettle Point and Stony Band reserve, were there an amalgamation there now of those two reserves?—A. I believe there has been for some time.
- Q. Was part of the Stony Band reserve taken over for military purposes?—A. That is correct.
- Q. And was the band compensated for that?—A. They were, I believe; as \$50,000 or \$60,000 that they received for it; the figure may not be exact.
- Q. What about the right to cut timber; was that left to the Indians?—A. I did not say it was left to them, but I believe they have been given that privilege right along during the operation of the camp, by arrangement between the Indians and the camp commandant, in certain designated areas, and in certain quantities, I suppose.
- Mr. LICKERS: I think that is all I have to ask.
- The CHAIRMAN: Are there any further questions?
- Mr. CHARLTON: In regard to enfranchisement, where an Indian girl, for instance, took her enfranchisement, as a single girl, and then goes back to the reserve and marries an Indian, what would be her status on the reserve?—A. She would be an Indian upon re-marriage.
- Q. She can get her enfranchisement money and then marry an Indian and keep her rights?—A. That is right.

Q. I have another question regarding band membership. Can a white woman become a member of a band?—A. Yes, a white woman can, by marriage to a member of a band.

Q. I understand there is one particular case where a white man had illegitimate child of an Indian woman and that child has been made a member of the band.—A. The brief on band membership has not been given yet and would not like to anticipate it.

Q. I understood it was No. 7.—A. I referred to it by saying that McCrimmon would later present a brief himself.

By Mr. Farquhar:

Q. Did I understand you to say, if property was bought or leased by white man from an Indian, that it was taxable?—A. It is not taxable by municipality. The white man himself is taxable; his occupation is taxable.

Q. But is his land taxable.—A. No, but his occupation of the Indian's land is taxable.

Q. By whom?—A. By the municipality.

Q. Indian lands are not considered to be taxable by any municipality.—They are for purposes of taxation. They must be. I do not know the municipalities viewpoint on that; but we know that they do tax in cases like that. It is the municipalities trouble. We are not concerned in the matter at all. It is a matter between the white man and the municipality. It does not affect Indian or his land.

Q. By whom are they taxable, though?

By the Chairman:

Q. Are you prepared to answer the question, Mr. Brown?—A. No, we have nothing to do with that. I could not answer that question.

The CHAIRMAN: Gentlemen, I am sorry, but we must adjourn until Thursday, at which time we will hear Mr. Conn. We will meet on Thursday at 2 o'clock. If there are no further comments to be made, I declare the meeting is now adjourned.

The committee adjourned at 3.30 p.m. to meet again on Thursday, July 1, at 2 o'clock p.m.

APPENDIX AB

SUBMISSION TO THE PARLIAMENTARY COMMITTEE
ON INDIAN AFFAIRS

PREPARED BY BERRY RICHARDS, M.L.A., THE PAS, MANITOBA, IN CONSULTATION
WITH THE CHIEF AND COUNCIL OF THE PAS INDIAN BAND

The following brief on Indian affairs has been prepared on behalf of the Indians of Northern Manitoba, and in particular of those Indians dwelling on The Pas Reserve. The opinions expressed herein have been checked with the Chief and Councillors of the Siad Band, representing some 600 persons. The matters have also been discussed in general meetings of the Indians. Various suggestions and individuals other than the Band have contributed to the ideas contained herein.

PREAMBLE:

We wish to congratulate the Government on having set up this Parliamentary Committee to review the problems of the Indians, and to formulate a Governmental policy towards them. The result of your findings, your deliberations, your recommendations can do much towards strengthening our Canadian democracy. To the extent that you recommend policies that will assist the Indian towards a position of equality in Canadian society, to that extent you have raised our democratic standards.

The history of the Canadian Indian is available to the Committee. This history is important as a means by which to trace the changes through which the Indians have passed, and the changes that have been forced upon him by the white man, particularly over the last hundred years. The conditions of the past must not, however, be taken as the sole guide for action in the future. If this is done then the same mistake will be made as has been made in the present Indian policy—it will be too rigid and will be incompatible with present conditions. Its rigidity would prevent its future modifications as conditions change.

Flexibility alone is insufficient. There must also be a predetermined objective towards which that policy works, as rapidly as conditions permit. All aspects of the policy works, as rapidly as conditions permit. All aspects of the policy must be framed in accordance with that final objective.

What should be the correct and democratic objective of an Indian policy? In our opinion *it must consist basically in assisting the Indian to assist himself towards absolute equality in Canadian society.* Such a policy sees in the future the assimilation of the Indian with other races. Such is the final solution of all racial problems, and no one should shy from it. Already Canada's history as a multi racial nation demonstrates this.

Flexibility of policy must be seen from two points of view: first, the policy must advance with the changing times; secondly, the policy must be flexible enough within itself to allow for different conditions, economic, geographic and national prevailing in the various parts of the country where Indians are found.

As time advances the relationship between the Indians and the white man becomes closer. This is a natural and inevitable development, but along with it problems which the Indian finds great difficulty in meeting and solving. In many instances advantage is taken of the Indian by those who have

more knowledge of business than they have appreciation of honesty in fair dealing. Diseases which the Indian is unable to combat accompanied the advent of the white man. Further, new tastes have been aroused in the Indian which have radically changed his mode of life. Where the reserve is situated near a town or settlement the Indians, or some of them, seek employment in the local shops and industries. Many have taken up agriculture. All these things serve to uproot the old basis of Indian civilization. Nothing permanent and substantial has been substituted, except in the case of those rare individuals who have found a new and stable existence in the white man's society.

REVIEW OF CONDITIONS:

1. *Population*.—On October 26, 1945, Hon. J. A. Glen, Minister in charge of Indian Affairs, stated that the Indian population was increasing at the rate of approximately 1,500 per year. According to a census taken in 1944 the population numbered 125,666. This increase of population is in spite of an alarmingly high death rate. According to an article in the journal of The Canadian Medical Association last year this figure runs as high as 400 per thousand live births. The increasing population is also in spite of an alarmingly high T. B. death rate which in 1942 for all Indians in Canada, exclusive of the Yukon and Northwest Territories, was 627.9 per 100,000 population. These two figures of 400 and 627.9, point to figures concerning the same subjects among the whites of 52 and 45.

2. *Health*.—In section 1 above reference has been made to death rates and T. B. death rates as part of the population picture. With regard to health it can safely be said that there is no other group in Canada, outside of the walls of the hospitals, whose health standards are as low as those of the Indians. Seldom do Indians die of old age, uncomplicated by some common disease such as tuberculosis, whooping cough, influenza, measles, etc. We want to bring one startling and significant fact to the attention of the committee, that is the alarming number of deaths among the children. In 1944 at Neches House there were a total of 48 deaths; of these 39 occurred among children under ten years of age. In 1943 the proportion was 7 out of a total of 10.

3. *Education*.—At the time the treaties were signed the Indians were guaranteed education for their children. There are still thousands of Indian children who are getting no education whatsoever. To mention only two areas in Manitoba—at Reindeer Lake and at Southern Indian Lake. Furthermore, out of a total enrolment in 1941-42 of 17,281, only 381 were in grade eight. The average attendance was only 80 per cent, and in some schools as low as 50 per cent. (See the report of the Indian Affairs Branch of 1941-42).

The type and quality of the education is not satisfactory either. Under the later section of this brief recommendations will be made in this respect. At this point we wish to register the following criticism of the education which Indian children are receiving.

1. The education is too standardized and does not fit the child for his mode of life. The rigidity of the system does not allow for variations to meet the needs of various, and differing areas.

2. The residential schools, to which the Indian children are removed from their parents and their homes, are not satisfactory. The child who returns from a residential school at the age of 16 or 17 is invariably unable to fit into the life of the reserve, since their training received at the school does not prepare them for it. In fact, it does the very opposite.

3. Religious influence is not in the interest of the Indians. It is felt that the Indian should have the right to join whatever church he wishes, without becoming a member "automatically" as a result of having been educated in a particular secular school. Much as we appreciate the past work done by

rious churches, work which should have been done by the Government, we suggest that the work of educating the Indian youth is now beyond their resources to properly discharge.

4. Little attempt has been made to train teachers especially for teaching Indian schools. We suggest too that insufficient encouragement has been given to Indian youth to train for this work.

5. *Homes*.—The poor standards of housing upon the average reserve merely reflect the general poverty of the Indian population. Since the Indian has been restricted to living permanently upon reserves he has found it necessary to build permanent homes, insufficient attention has been given this vital problem to the authorities.

6. *Food*.—The Indians, except in the very far north, have been forced to adopt a diet which consists of partly the food of the white man and partly the food of the Indian. Due to the shortage of game and the restricted freedom of the Indian on the one hand, and the shortage of money on the other, the Indian's diet consists of the poorest type of each. In the article in the journal of the Medical Association referred to above, which was based upon the nutritional and health standards of the Indians of Northern Manitoba, it states that the diet of the Indian contains an average of 1470 calories per day, but 50 per cent of that is supplied in coarse foods, lacking in minerals and vitamins. This in a large measure explains the prevalence of disease among the Indians. It should be noted that 1470 calories is less than one-half the number provided in the diet of the average Canadian.

7. *Economic Conditions*.—We hold this to be at the heart of the whole problem. Without a decent income the average Canadian, Indian or otherwise, will not be healthy. He will not maintain a good home, nor will he be a good citizen. As the Indian is forced into closer relationship with the white man, and the white man's civilization, it becomes increasingly valid to compare his monetary income with that of his white brother, in order to judge his standards of living. By this standard the Indian population of our country is a depressed class indeed.

8. *Other Social Services*.—Hospitals and facilities, doctors and nurses are in number hopelessly inadequate to meet present needs. It should be pointed out and re-emphasized that the health problem of the Indian is unnaturally enormous for such a small group. The answer to this lies in the low standard of living of the modern Indian. The health problem and the need for large expenditures for the treatment of disease will progressively diminish as the economic standards of the Indian people are raised. Such security measures as old age and blind persons' pensions, and mothers' allowances are denied the Indian people in the form that they are provided the rest of the population.

9. *Attitude of the Administration*.—Unless a truly scientific and democratic attitude is taken towards the Indian people, no matter how good a policy may be in other respects, it will fail. Among administrative circles to-day the paternalistic, superior attitude is all too prevalent. As long as the Indians are treated as children by the administration, so long will they demonstrate lack of initiative and a dependent attitude. It should be recalled that independence and initiative were the outstanding characteristics of the Indians of the olden times.

RECOMMENDATIONS:

Previous mention has been made of the need for an Indian policy being flexible rather than rigid; dynamic and progressive rather than static. The whole problem thus resolves itself into two main parts at all times—the implementation of an immediate policy to meet dire needs, and then the working towards a long term objective as rapidly as possible. Rather than

divide our recommendations into a short term and a long term, as is sometimes done, we will state them without regard to this consideration. The place each in a total policy will be quite evident from the recommendations themselves.

1. *Administration.*—We have stated above our belief in the importance of a proper attitude on the part of the administration. Allow us to quote from U.S.A. Indian Affairs Report of 1941:—

The rights of the Indian to cultural independence have been seldom recognized by Indian policy, but rather there has been the totalitarian concept of a superior race dominating, absorbing and reducing to submission the small minority groups of a different culture.

This attitude, still prevalent in Canada, must be replaced by a more democratic approach which recognizes all men as equal.

The administrators of Indian policy require a special kind of training. Indians themselves should be encouraged and assisted to get this type of training, and to fill administrative posts. Too often local administrative officials of Indian affairs have not the training to properly discharge their responsibilities. Further, administration as we have known it must be replaced rapidly as possible by self-government. In the larger field of administration the role of the Indian Affairs Branch must become less and less significant until it eventually disappears altogether.

2. *Hospitals, Clinics and Health Services.*—The need for these at present far exceeds the supply. This lack must be made up as rapidly as possible. Sufficient personnel must be provided to serve the scattered Indian population. At present most of the Indian doctors are overworked and are unable to serve the huge areas assigned to them. With the raising of the economic standard the health problem will become relatively less acute. But we are faced with the immediate problem of attending to those presently suffering ill-health. Health education should be an important part of the school curriculum and provision of nutritious lunches should be provided at the schools. Resident public health nurses, with adequate facilities, should be on every reserve and settlement.

Transportation by air for emergency cases must be provided, perhaps in co-operation with the provincial forestry patrols.

3. *Education.*—There is considerable dissatisfaction with the present residential schools and their management by religious bodies. We suggest that the task of educating Indian children is too big to be left in the hands of charitable bodies, and that the Government should be the sole administrator of all Indian schools.

Residential schools, where the children are kept from their homes until they are old enough to start work are not satisfactory. Schools in the Indian community, properly staffed and equipped are necessary, so that the child when he has finished school will be capable of taking his responsibilities in his own community. This can be further accomplished by providing the pupil with a more academic and more practical course of studies. It is suggested that training should be provided for the young so that they may be able to go in for farming, stock raising, mill operating, chicken raising, fur farming or whatever the location of the reserve makes possible in line with the demonstrated interests of the pupils.

Since we are of the opinion that there is great scope for co-operative development among the Indians, we urge that great stress be laid upon the teaching of co-operation, its theory and practice. Co-operative industrial development consistent with the community life of the Indians and can do more than anything else to raise the living standards of the people.

4. *Extension of Democracy.*—Apparently there are some sections of the Indian population who have been opposed to the idea of the Indians having

franchise. We are of the opinion that this has been caused by the idea that to get the vote would be to automatically lose some present existing concession, such as the treaty money. Not only do we feel that it is the Indians' right as residents of Canada to have the vote, but we also state that there is no logical connection or relation between the "concessions" that they got and their right to the franchise. As far as responsibilities go they are already liable for military service and the payment of income tax. After all, when an old person receives the old age pension he is not required to give up his franchise.

In respect to political representation in the various provincial legislatures and the House of Commons, we do not suggest any special consideration. They should be allowed to take their place as Canadian citizens along with everybody else. It has been suggested that the Indians be given the right to elect their own Indian representatives. This would not be in the best interests of the Indians nor would it be consistent with the objective of complete equality for the Indians. They should not have their political representation segregated in this way.

This is as good a point as any to make emphatic request of your committee: That whatever changes in Indian policy are contemplated be referred to the Indians themselves for their opinions and recommendations. This is an example of the kind of democracy we have in mind. We would remind the committee that this system was adopted in the U.S.A. in 1934 when the Indian Reorganization Act was formulated. First, mass meetings were held among the Indians themselves to determine their wishes. After it was passed each tribe was given the right to accept or reject it by secret ballot. It is not too late to adopt the same system with regard to this committee. Mass meetings on all the reserves should be called at which members of the committee should attend. Only in this way will the true opinion of the Indians themselves be known.

We suggest too that complete democracy be introduced into the administration of local affairs, with the opportunity and encouragement to the women to take an active and equal part in them. The maximum of control and responsibility must be put into the hands of the local Indian authority. The Indian Agent should advise and assist in this. In fact we advise that the old term "Agent" be dropped and the word "Advisor" substituted—"Indian Advisor". His relationship to the Indians should change accordingly.

5. *Administration and Use of Band Funds:* The total of Indian funds held in trust by the government is now about \$17,000,000. We suggest that this money is not being used to the best interest of the Indians. There are vast opportunities for industrial development on many of the reserves. A portion of this money should be used every year for this purpose. We suggest that money invested in this way among the Indians themselves will result in far greater returns than are obtained under the present system. There is ample opportunity on many reserves for developments in farming, pulp wood production, fishing, dairying, fur farming and market gardening. These things should be done co-operatively, the only method of doing business that is consistent with the Indian way of life, and type of social organization.

6. *Co-operative Industrial Development:* While this has been referred to above it is deserving of special consideration. Experience in the U.S.A. and other places has shown the great advantage of adopting the co-operative method to help the Indian gain economic freedom. Courses in co-operation both in the schools and among the adults should be provided, and guidance given to see that whatever co-operative enterprises are undertaken are given every opportunity of success. The need for such assistance and guidance dictates the need for a new kind of Indian Administrator, particularly locally. It is again emphasized that Indians themselves should be given the chance of filling these posts, after they have had the necessary training and education.

The funds at present held by the federal government in trust for the Indians can be gradually returned to the Indians themselves by placing them in capital assets of the various community and reserve co-operatives. Supervisors over these early developments would be sufficient protection. Local members of these co-operatives would contribute whatever their means permitted.

7. Pensions and Allowances: We request your committee to recommend immediate inclusion of the Indians in the provision of old age and blind persons' pensions and mothers' allowances. As citizens of Canada, liable to the payment of income taxes, and military service, we feel that such social security measures as apply to other Canadians should apply also to the Indians.

8. Observation by Committee: Finally we would impress upon your committee the need for your receiving first-hand knowledge of conditions upon the reserves. Also the need for you to visit the reserves to get the opinions of the Indians themselves on these problems. While it may not be possible for the whole committee to absent themselves for a long period, it should be possible for various sub-committees to visit different areas for these purposes. Unless this is done your committee will not properly appreciate the size and complexity of the problem it is called upon to solve. We humbly suggest that your work will reduce itself to a farce unless every effort is made to get the opinions of the Indians.

9. Conclusion: In summary we wish to reiterate the main thread of our argument:—

- (a) That a policy for the Indians must be drawn up that will allow and encourage them to achieve complete equality with their white brothers.
- (b) That such an objective is both desirable and practical; desirable because it will raise the democratic standards of our nation; practical because the Indian has all the necessary potentialities; he is limited only by his present environment.
- (c) That the implementation of such a policy must be in the hands of men and women properly trained and equipped with a democratic approach towards the Indian people.
- (d) That the heart of the Indian problem is economic—only by raising the living standards of the people through co-operative industrial development will the basis be laid for a healthy and virile Indian people.

Allow us to extend to your committee our sincere good wishes, hoping that as a result of your deliberations great social and economic advances for the Indian people will be made possible.

Respectfully submitted,

(ADDITIONS TO THE BRIEF WHERE INDICATED IN THE BRIEF ITSELF)

(a) Further it is pointed out that the children attending these residential schools spend so much time on chores and uninstructional work that their actual schooling suffers.

(b) And this is in spite of the fact that Indians engaged in wood cutting, commercial fishing, and trapping pay all regular fees, licences and royalties.

(c) Moreover, there should be no limit to which an Indian child be allowed to advance, within the limit of his abilities and interests. It is deplored that few of the Indian pupils ever enter the professions. Given the opportunity there is no reason why many of them should not reach a high level of education.

(d) However, it must be admitted that there is considerable difference of opinion among the Indians themselves on this point.

(e) It should be pointed out that in many areas, particularly in Northern Manitoba, the conditions and problems of the Half-breeds are identical with those of the Indians. For this reason, in such areas, the Half-breeds should be taken into any plan designed to raise the standards of the Indians. This would require federal-provincial co-operation in the fields of education and natural resources. This has already been accomplished in fur rehabilitation and we think it should be extended to other fields.

APPENDIX AC

BRIEF FILED BY THE INDIAN ASSOCIATION OF ALBERTA

The primary aim of Indian education should be to train children of the reserves to make a living and to live among their own people. Only a very small percentage of Indian School graduates go on to high school or vocational school and an almost infinitesimal number go on to college in the Western Provinces.

The steps in any revised program of education should be:—

- (a) To prepare Indian boys to use their own land in the best way.
- (b) To give instruction in tribal handicrafts and to adapt these crafts to the requirements of the modern markets.
- (c) To introduce new homecrafts which will improve the economic standards of the Indian and to open markets outside the reserve for the products.
- (d) For a few to give suitable trades training which will enable them to find employment at good wages.
- (e) For the very few, to provide special opportunities to enable them to enter the professions which may, or may not, enable them to secure employment either in or outside the government service.

It would follow, therefore, that beyond instruction in reading, writing and speaking English, and in elementary and practical arithmetic, the program of studies would have to vary largely even from school to school in the same province.

Since white children must receive instruction motivated through purposeful activities which will give meaning to their educational experiences, even stronger motivation must be given to the Indian child for whom the ordinary pre—and post—school life of the white child is still a new experience.

A growing emphasis must be placed upon Day Schools since it is very obvious that the education of the Indian child in residential schools has little effect upon the environment to which he returns in the holidays or upon graduation. Beyond the use of certain pieces of furniture, utensils, implements and articles of clothing, the home remains very much Indian in thought and activity. We find, for instance, the boy or the girl, trained to eat at a table, now sitting on the floor to eat his or her meal; bathing becomes very often a semi-religious ceremonial sweatbath and so on.

Yet—two factors must not be ignored; first, the great services which have been rendered by the residential schools upon large reserves and upon reserves which do not support their population; second, the very large investment in buildings and equipment represented by the existing schools.

Upon large reserves, the residential school has been a centre not only of educational but of religious life. Upon reserves of little economic value, or of undeveloped resources, the school has enabled children to receive the only education they could receive for schools cannot follow the trap-lines of the trapping camps.

In any revised system providing for the substitution of Day Schools upon the reserves, the existing plants can be utilized for a variety of purposes. There will be a need for:—

- (a) homes for orphans and neglected children.
- (b) One or two Indian High and Vocational Schools.
- (c) Dormitories within the present provincially-administered school system in Alberta where Indian and White children could share the advantages of the present Alberta school curriculums. Such a scheme would not only bring the benefits of the centralized schools to the Indian but to the white children in isolated areas. *Costs of such would be proportionately borne by the Indian Affairs Branch for the Indian, and by the provincial authorities for the white students. Administration of such institutions would necessarily be in the hands of the Provincial Authorities.*

The Provincial School already provides for the proper certification of teachers who are automatically members of a contributory Pension scheme. It already provides minimum requirements for equipment, for social activity, for vocational training of a practical nature, for cultural training and for Health instruction and Physical Training. In addition, the School Act carefully provides for religious instruction at suitable periods by the clergy of any faith for the benefit of the children whose parents adhere to that faith.

While it may appear that we here are presenting contradictions—that is not the case. We recognize and advocate the retention of a residential school in certain areas as desired by the Indians themselves but this school must be properly equipped, adequately financed, and efficiently staffed to provide the highest possible type of education. We also recognize and advocate the urgent need of Day Schools, operated according to the standards set by the Department of Education of this Province, but extended to supply the need of a cultural centre and of a centre for Adult Education.

So many startling changes have taken place in the world since the Treaties were signed that provision must be made to equip all people to meet the vast changed needs and conditions. Segregation, desirable or undesirable, is no longer possible in the world of 1946. We must face that fact, simply because it is an existing fact.

In September, 1945, the Indian Association of Alberta presented to the Director of the Indian Affairs Branch, Memorial No. 2 embodying certain representations made by the Treaty Indians of Alberta who comprise the Indian Association.

Part II of this Memorial requests certain changes in the educational services at present rendered the Treaty Indians of the Province of Alberta, and suggests how the educational services can be adjusted so that they serve better the needs of the Indian children of to-day and to-morrow.

In general the Indian Association of Alberta submitted that a three-fold plan be devised, in any revision of the Indian educational system.

A. That day schools, be erected, equipped and maintained according to the best modern educational principles, under properly trained provincially certificated teachers, who are permanent civil servants, and who are also trained Welfare workers, at the expense of the Federal Government as part of a general plan of Indian Rehabilitation and Advancement.

B. That, on other reserves where the resources of the reserve are so inadequate, or so imperfectly developed, that it is impossible for the Indians to reside permanently on the reserves and make a living, the residential school is the only present practicable solution.

C. That a semi-residential school system of properly equipped, staffed and maintained schools should be set up for those reserves which are between

two classes above mentioned. The children in such schools should be permitted to spend weekends and established school holidays of short duration, e.g.—Christmas, Easter vacations, national holidays, with their parents contingent upon the co-operation of the parents in returning their children at the close of these holidays.

D. That, wherever possible, Indian children should be encouraged to attend the schools maintained under the various provincial systems of education at the expense of the Federal Government at such rates as may be set by the authorities of the schools concerned.

E. That, in all Indian schools, the system of half time labour on the part of the children be abandoned, and all children spend the full school day in the classroom.

F. That the per capita grants furnished by the Indian Affairs Branch be increased so that an adequate staff may be maintained by the schools to perform the tasks formerly and at present, performed by the elder children themselves.

G. That the present per capita grant be increased to the sum of Three Hundred Dollars per annum to enable the schools to increase, modernize, and re-equip their facilities.

H. That technical departments for various vocations be added and that such form a part of the educational program. Such vocational training must be particularly adapted to the needs of the reserve and the geographic location.

I. That, the present curricula based upon the needs of white children be modified to include Indian lore, customs, handicrafts etc., peculiar to that region. This phase must be so arranged that it encourages the development of pride of race, language and tradition rather than attempting to substitute false standards which merely imitate the white neighbour of the Indian.

J. That an active campaign of education through literature, publicity and any other justifiable means to educate white people to an acceptance of and respect of the Indian as an Indian.

PART B.—*The Establishment of Day Schools.*

Day schools as outlined in Part 1, Section A have been specifically requested by the following reserves and a partial census of children is appended.

- | | |
|------------------------|--------------------------|
| 1. Samson, No. 137 | 6. Enoch's Band No. 135 |
| 2. Michel's No. 132 | 7. Paul's Band No. 133A |
| 3. Bull's No. 138B | 8. Goodfish Lake No. 128 |
| 4. Alexis No. 133 | 9. Ma-Me-O No. 138A |
| 5. Saddle Lake No. 125 | 10. Alexander No. 134 |

At present Protestant children from any of these reserves must be sent to the school near Edmonton, at present under charge of the United Church of Canada. Such a practice discourages the parents from sending their children so far away from the opening in the Fall to the beginning of the summer vacation. The parents of an Indian child have strong feelings of affection for their children and this separation involves heartbreak on the part of both parents and child and the loneliness and homesickness of the child thrown into a strange environment, does in no uncertain way hinder educational progress. It is therefore only natural that such a practice increases problems of discipline and is sometimes the first step towards educational delinquency.

The Roman Catholic children of the reserves comprising the Edmonton Agency must send their children to the school located at St. Albert. The same arguments therefore pertain to them. It is a fact that the children of the Indians resident upon Michel's Band reserve No. 132 have been withdrawn by their parents and are attending white schools located near their reserve at the expense of their parents. This cost has not, in so far as the Indian Association of Alberta is aware, been in any way borne by the proper agency, the Education Branch of

the Indian Affairs Branch. It is, moreover, definitely certain that the progress of these children is more rapid and more satisfactory than the children of similar age and grade attending the residential schools.

It is a general fundamental principle that education is a threefold responsibility—school, church and home. *Day schools* can best serve this threefold principle.

The day school can concentrate upon the proper function of the school—academic or vocational training. Instead, at present, language difficulties and the half-time work system deprive the child of approximately three years of his allotted school time, from seven to sixteen years of age. Evidence of this unfortunate condition can be verified by the figures on school attendance issued by the Department of Mines and Resources, Indian Affairs Branch. Comparatively few children attain a standard much beyond that of Grade six.

To speak about Indian advancement under such conditions is sheer mockery. Practically speaking, the present system encourages educational delinquency, retarded development, and an aversion to education; practically it develops a class of people who are unable to be other than hewers of wood and drawers of water in the land of their forefathers.

Again, children attending the residential schools are thereby deprived of their right to participate in the full benefits of the Family Allowance Act, save for the summer holiday months.

Indian parents have an inalienable right to the companionship of their children; no child can develop as he should without the care and affection of family life. The child in the residential school is deprived of this God-given and natural right to the companionship of his parents.

It is the belief of the Indian Association that this lack of family ties and parental training is at least partially the cause of post-school delinquency. Regardless of how kind, sympathetic and even affectionate, the staff of a residential school may be, such a staff cannot replace the average parent.

In cases of unsuitable home conditions, white children are removed from the parents; similarly, Indian children who are definitely neglected could be removed from improper home conditions.

It is moreover submitted that the presence of children in the home is a stabilizing factor and conducive to improved home conditions.

We argue further that the association of children attending school is an invaluable asset towards adult education and the subsequent improvement in home conditions. Thousands of residents of Canada came from homes where the parents spoke some European language. The impact of these children upon their parents, in daily association, was of supreme educational benefit to the parents. There is no reason to suppose that Indian children attending a day school would not exert an equally strong influence towards parent education. The Indian Association submits that the Indian Affairs Branch might consider this as a means toward Indian rehabilitation and advancement.

PART C.—*The Maintenance of Residential Schools*

The Indian Association of Alberta fully recognizes and appreciates the value and service of the residential school. Several reserves have expressed a preference for this type of school, particularly those reserves upon which the residential is located, such as the Stoney Indian Reserve at Morley, the Peigan Reserve at Brocket, the Blood Reserve at Cardston and the Blackfoot Reserve at Gleichen.

Inasmuch as these schools are partially financed by a system of per capita grants paid through the Education Branch of the Indian Affairs Branch, partially by the missionary organizations of the churches concerned, and partly by their own resources or private charity, the Indian Association takes the stand that the

full responsibility for the proper financing of these schools is the sole and direct responsibility of the Government of the Dominion of Canada by the treaties enacted with the various tribes of this province.

The present per capita grant (maximum, approximately \$187.00) per annum is entirely inadequate. No school can function on 61.4 cents per child per day under present conditions. No school can provide the services, food, clothing, education, medical attention of a minor nature, and maintain staffs etc. under such conditions. No school can render the service it is capable of rendering were it adequately financed.

The Churches cooperating with the Government in Indian Education have made representations to this effect without appreciable results. The Indian Association of Alberta believes that the government has failed in its responsibility to the Indians by thus throwing the burden of financing upon the churches and upon private charity.

It is moreover degrading in the extreme thus to compel the administrators of Indian schools to beg from charity in order to maintain services that are the responsibility of the government.

In the United States, grants of approximately \$335.00 per capita are paid for the maintenance and education of resident pupils. A visit to a residential school in the United States and an inspection of its buildings and equipment will convince the most skeptical. The Secretary of the Indian Association was privileged to be invited to visit the residential school near Browning, Montana, on the Blackfoot Reserve. Both academic and vocational training received ample equipment and encouragement; splendid brick buildings for dormitories, with libraries and play rooms, a well-equipped gymnasium, organized sports and physical training, a model home for Household Economics, a modern laundry, a bakery, and a model dairy barn; and above all, well furnished cottages and suites for visiting parents, as well as a school house with ample class-room space, equipped according to the best principles of modern education. It is significant that about sixty per cent of the pupils from this school later attended the village High School at Browning. Yet the Secretary was assured that this plant was considered obsolete according to U.S. standards of Indian education.

Ample funds have been obtainable for the very necessary and successful prosecution of the recent war in which some 2,500 Indian boys and girls volunteered for service. *Surely education for life is as important as education for death.*

Staffs in the residential schools are inadequately paid according to modern standards. They are not permanent civil servants with pension benefits—as they are in the United States. This is an injustice and a deterrent to the many competent men and women in service in the residential schools.

A sound educational system is based upon sound psychological principles. Such principles are however established only through studies of the groups to be educated. This Association is not aware of the existence of adequate training schools where prospective teachers in Indian schools may obtain a grounding in the principles of Indian psychology. Moreover, too few of them have a speaking knowledge of the languages of the Indians. To remedy this training schools should be established.

About 1,000 Indian children in this province are without schooling at this time. This is due partly to the aversion of Indian parents to send their children long distances from home; it is even more due to the fact that there is insufficient school accommodation. Most schools are overcrowded; some are operating above capacity; classes which to obtain best results should not exceed 25 or 30 pupils are very much overcrowded. It is imperative that additions be made to many of the existing schools without delay and plans for such additions should be prepared now against the time when materials are readily available.

Some reserves are prepared to donate labour to the construction of schools. To summarize:

1. The per capita grant should be increased to \$300.00
2. Adequate accommodation should be at once provided by additions to existing schools or the establishment of day schools.
3. Teachers should be permanent civil servants with adequate salaries and pension benefits.
4. Training schools for teachers should be established.
5. Part time labour should be abolished and equipment provided for vocational and cultural development—leather work, woodwork, household science, physical training, elementary mechanics, metal work, art music and drama, on a far greater scale than at present available.
6. Classes should be less heavy in numbers.

PART D.—*The Post-School Years*

The lack of a program to follow up the school "graduate" is all too evident.

Every Reserve should have a trained Welfare worker, either attached to the School Staff or to the Agency or Sub-Agency. The critical period following school leaving is the ruination of many a promising boy or girl. The pupils find themselves returned to reserve life without the opportunity of practising whatever training they have had. They are at once brought into conflict with the elder generation, which, like all elder generations of any race, has certain fixed ideas and customs. Consequently, many pupils simply drop into the older way and customs and unfit themselves for life in a modern world. They cannot farm because they cannot obtain equipment for modern farming; they have no the facilities for housekeeping and home making that they have been taught to use and unless they go out to work for wages, they cannot obtain these in the average Indian home. If they go out to work for wages, few jobs save the most menial, jobs of hard labour, are open to them. Here they frequently come into contact with most undesirable influences. Their situation is aggravated by having to combat the ignorant prejudice of race-conscious whites who however ignorant and incompetent they may be, often consider themselves superior by virtue of some mysterious skin pigmentation.

A welfare worker could attempt to guide these ex-pupils into occupations could help supervise their inevitable readjustment to reserve life, could act as liaison officers between the ex-pupil and the outside world, in assisting them to get employment.

A welfare worker could help them to avoid the often inevitable moral disasters that too often befall the young Indian.

Some scheme of economic establishment should be made available to the graduate. This would vary according to the geographical location of his reserve. On many Alberta reserves some cows or some fishing and trapping equipment should be made available for the boys; some household goods should be made available for the girls. Strict supervision must be maintained to see that such help reaches *ONLY* the Treaty Indian ex-pupils.

At the Pine Ridge School in North Dakota where grazing is the chief industry of the reserve, boys are loaned breeding stock while they are still in school. This stock they are trained to care for, and they work out the charge for feed and pasture by caring for the school herd. At the end of a reasonable time they begin to return the breeding stock loaned them. Such a plan should not be impossible in many parts of this province.

PART E.—*Higher Education*

Too little encouragement is given Indian children who may desire higher education with a view to entering some trade or profession. The Indian Affairs Branch provides a series of grants, it is true, but these are difficult to get an

are inadequate to serve the purpose. While a few, very few, whites are able to earn money enough to assist with their education, the chances for the Indian are negligible.

With the inadequate grounding which the residential schools, through no fault of their own, are able to furnish, the Indian student is handicapped when he goes to an outside or white school. Some overcome this by increased application but that requires a stronger character than is demanded of the whites themselves. In fact, at every turn, the would-be student finds himself or herself facing tremendous obstacles, because a higher standard of achievement and character is immediately demanded.

Then there is too little incentive to train for work in the Indian service itself. Here again, the Indian finds himself or herself faced with white competition, which has every advantage, sometimes even of an unfair nature in that preference in employment is inevitably given the white. *Regulations should be relaxed that the Indian has the preference over any white competitor for employment in Indian Agencies, hospitals and schools.*

ART F.—Recommendations

1. An immediate study of the needs of the Indian educational system by a Commission of competent, practical and experienced educationists. This commission should include people experienced in Indian education who have a sound knowledge of conditions upon the reserves, they should possess the confidence of the Indians themselves; they should be aware of the conditions the Indian student must face in this world as well as have a knowledge of Indian psychology.

2. This commission should be empowered to visit any or all reserves, to move among the Indians themselves and finally to recommend changes in curricula so that a very flexible curriculum adaptable to the needs of any section of the country could be adopted. This curriculum should include a knowledge of basic English, elementary mathematics of a practical nature, Indian lore, vocational training suitable to the locality, and cultural activities.

3. Community centres with facilities for an ultimate system of adult education should be established in connection with day or residential schools.

4. Immediate preference to Indians as farm instructors, or clerks, nurses and teachers, etc.

5. The establishment of day schools as soon as conditions permit upon those reserves asking for them.

6. Increase of the per capita grant to meet modern needs and conditions.

7. Appointment of Welfare workers along the lines of the Guidance Officers in modern school systems.

8. Provision for teachers in Indian Schools to become permanent Civil servants.



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

THURSDAY, JULY 25, 1946

WITNESS:

Mr. Hugh Conn, General Supervisor, Fur Developments, Indian Affairs
Branch, Department of Mines and Resources, Ottawa.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.P.E.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
Thursday, 25th July, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2.00 o'clock p.m. The Joint Chairmen (The Honourable Senator F. Johnston and Mr. D. F. Brown, M.P.,) presided.

Present:

The Senate: The Honourable Senators Johnston and Taylor.

The House of Commons: The Honourable Mr. Glen and Messrs. Blackmore, Brown, Bryce, Case, Charlton, Farquhar, Harkness, MacNicol, Matthews (Brandon), Raymond (Wright), Reid, and Richard (Gloucester), 13.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford Pratt; R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; M. McCrimmon, L. L. Brown and A. G. Leslie, of Reserves and Trusts; H. M. Jones, M. E. Armstrong, F. Kehoe, Indian Affairs Branch; and Hugh Conn, General Supervisor, Fur Developments, Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Harkness, of the subcommittee on agenda and procedure presented the eighth report of the subcommittee. (For text of report, see page 677 of Minutes of Evidence).

It was agreed that clause (a) of the report would be adopted, but that discussion of clauses (b), (c) and (d) should be deferred for further consideration at the next meeting.

Mr. Hugh Conn, General Supervisor, Fur Developments, Indian Affairs Branch, was called, and read a prepared statement.

The Committee adjourned at 4.00 o'clock, p.m., to meet again at 2.00 o'clock p.m., on Tuesday, 30th July next.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

July 25, 1946.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 2 o'clock p.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: Shall we come to order, gentlemen, please? I will ask Mr. Harkness to read the eighth report of the Subcommittee on Agenda and Procedure.

Mr. HARKNESS: Mr. Chairman and gentlemen, the report is as follows: Your subcommittee has under consideration the 1946 Sessional Report of your Committee.

With regard to certain aspects of that Report, your subcommittee submits the following for your consideration and instruction:—

To complete the formidable task set out in the Order of Reference, dated 13th May 1946, your subcommittee, at the outset, envisaged the following large scale plan, covering three Sessions of Parliament:—

1946 Session, hearing of departmental case;

1947 Session, hearing of Indian, church and other organizations;

1948 Session, the revision of the Indian Act.

There are approximately 2,300 Indian Reserves in Canada. It is assumed that arrangements will be made to visit, during the 1947 Session and Recess, such of the Reserves as the hearing of Indians will indicate to be necessary, and which shall not previously have been visited as recommended hereunder.

Your subcommittee is unanimously of opinion that it is essential, for very obvious reasons, that the work of the Joint Committee should not be permitted to lapse entirely during the coming 1946 Recess.

Accordingly, the following proposals are submitted:—

- (a) we suggest that each member of the Joint Committee, during the coming recess, should visit such Indian Reserves as are in or near his Division or Constituency; and, in addition, but alternatively
- (b) we recommend that Parliament be asked to consider the advisability of appointing a Commission, or one Commissioner, with requisite counsel, and secretarial and stenographic assistance, to hear and take evidence of Indians at places across Canada convenient to large Indian Reserves; or
- (c) we recommend that Parliament consider the possibility of empowering as a Commission, certain members of the present Committee to visit, hear and take evidence at certain places in the Maritime Provinces and Eastern Quebec;
(This would leave Reserves in Ontario and Western and Northern Quebec to be visited during the 1947 Session and Reserves in British Columbia and the Prairie Provinces to be visited during the 1947 Recess) or

- (d) we recommend that Parliament be asked to consider the possibility of empowering the Joint Committee as a Commission to sit at Ottawa during the coming Recess, in order to hear representative from Indian and other organizations.

It is respectfully submitted that unless the above proposal be adopted, it will not be possible for a Parliamentary Committee to complete even during the 1947 and 1948 Sessions, the task allotted to your Committee on May 13, 1946. All of this is respectfully submitted.

The CHAIRMAN: Is there any discussion?

Mr. REID: I would suggest, Mr. Chairman, that it might be advisable for us to deal with this clause by clause.

The CHAIRMAN: Would you care to take this as a notice of motion and discuss it at the next meeting?

Mr. MACNICOL: Have you got a witness for us to-day?

The CHAIRMAN: Yes; and on Tuesday Mr. Bland, the Chairman of the Civil Service Commission, will appear before us. I do not know if there is an object in delaying this any further.

Mr. MACNICOL: I think, Mr. Chairman, we should try to expedite the matter as much as possible because any undue delay here might mean that it would not be referred to the House for a considerable time after the budget was disposed of.

The CHAIRMAN: It is just a question whether you want to take a few minutes to-day and have a short discussion on it, or to do it all next Tuesday.

Mr. REID: I think I see danger in some of the proposals outlined here. First of all, taking the clauses seriatim, I believe that at the last meeting most of the members agreed to clause (a). As regards clause (b), I doubt very much the wisdom of appointing a commission to travel across Canada. My recollection is that at the beginning of the session the question was seriously discussed whether it was desirable to travel across the country taking evidence, and what was said in that regard is equally applicable to both clauses (b) and (c): they are linked together. I submit it is unwise to divide this committee into sections and to ask Parliament to empower a certain number of members to go officially to the Maritime Provinces, let us say. I do not think we should do anything that might arouse suspicion in the minds of the Indians, which might be the effect here, even if the counsel were of Indian blood himself. The Indians might prefer to talk direct either to the commission as such or to the individual members of the commission. The members of the committee should be prepared, when they go—if this is decided upon—to ask the questions themselves of the various Indians. These are my views on clauses (b) and (c) and I think I would take exception to them along the lines I have just stated.

Mr. HARKNESS: If I may be pardoned for interrupting, I would point out that those are alternative proposals.

The CHAIRMAN: The first one was adhered to.

Mr. HARKNESS: I am referring to (b), (c) and (d).

Mr. REID: One links in with the other; that is perfectly clear. Then we come to clause (b). I think this committee should come to some concrete understanding or agreement among themselves, so that any recommendation made to Parliament would be definite, instead of asking Parliament to consider the possibility of a joint commission. Either you ask for straight powers to do the thing, or you do not. You do not go back to Parliament as a committee and ask it to consider possibilities. These are my preliminary remarks, but I see a great deal of difficulty regarding clauses (b), (c) and (d).

The CHAIRMAN: Perhaps I might say a word on behalf of the subcommittee on agenda and procedure. It is assumed, of course, that we will, all of us as members of this committee, visit all of the local Indian reserves, or attend functions of Indian bands or organizations, or as many as possible, during the recess, so that we may indicate to the Indians that we are desirous of learning at first hand from them all their problems. I do not think therefore that there need be any discussion with respect to clause (a). As far as the other clauses are concerned, your subcommittee has given this matter a great deal of consideration over a long period, having in mind, of course, the length of time this committee has been or may be in existence.

Mr. CASE: Mr. Chairman, may I interrupt to say this. Does the subcommittee say, or does it feel, it is desirable that we should adopt one of these clauses, (b), (c) or (d)? Is that your opinion, that one of these clauses should be adopted?

The CHAIRMAN: Yes.

Mr. HARKNESS: Mr. Chairman, it is quite obvious that we shall never finish the job as we are going along now. I think we should offer an alternative.

The CHAIRMAN: If I may be permitted to proceed, in respect to clause (a) I think we are in agreement. That will be done anyway.

Mr. CASE: Suppose you put that as a question now.

Mr. HARKNESS: We agreed on that at the last meeting.

The CHAIRMAN: If you would like, of course, we can put this to a vote.

Mr. MACNICOL: On what?

The CHAIRMAN: Clause (a).

Mr. CHARLTON: Following up what Mr. Reid says, if we adopt (a), it means that some of us are going around at our own expense while others are getting paid for it.

The CHAIRMAN: If you will permit me to continue. We suggest that each member do that. We suggest it; we do not require it. This committee cannot order any member to do anything. Now, I assume that clause (a) is agreeable. Clause (b) reads: "We recommend that Parliament be asked to consider the advisability of appointing a Commission, or one Commissioner, with requisite counsel, and secretarial and stenographic assistance, to hear and take evidence of Indians at places across Canada convenient to large Indian Reserves." That was suggested at the last meeting as a means of expediting the work of this committee. It has been pointed out, however, that from the standpoint of the members of this committee, if they desire to learn at first hand from the Indians of their affairs, and to be able to interrogate witnesses, it would be a distinct disadvantage. True, it would expedite the work and a report would be made; but there are certain difficulties. Now, with respect to clause (c).

Mr. BLACKMORE: Certain difficulties with respect to what, Mr. Chairman?

The CHAIRMAN: With respect to sending one man out to collect all the evidence from the various Indian bands.

Mr. BLACKMORE: It says, "appointing a Commission, or one Commissioner."

The CHAIRMAN: If the commission comprises more than one person, or the whole committee, we did not feel that this was a time—during the 1946 recess—to go about the country interrogating Indian organizations. Our plan has been worked out on a long-scale program as you will see at the top of the report. Most of the Indian organizations are in Ontario, in the Western provinces and in British Columbia, but we think there should be some activity during the coming recess, and for that reason we get down to clause (c), wherein the committee recommends that "Parliament consider the possibility of empowering as a Commission, certain members of the present Committee." You will note "certain

members of the committee." That may be one or all, depending on the individual desires of the committee members.

Mr. REID: If I may interrupt, I believe there is one very important question facing us and that is whether or not this committee will visit reserves. To my way of thinking, if in the beginning we should decide to visit Indian reserves, we are sure to incur a good deal of criticism because, to begin with, it is impossible for this committee to visit all of them.

The CHAIRMAN: If I might just continue on this point. It was the thought of the subcommittee, in so far as clause (c) is concerned, that the commission, which might comprise one or all of the members of this committee, would attend three points only in the Maritime Provinces, which would take, we hope, not too long. They would be able to sit every morning, afternoon and evening for the purpose of taking evidence from such organizations in that area as wished to make presentations. Now they will not visit the Indian reserves officially—that is, as a part of their duties. They will merely go as we would do. They will attend at three or more different points.

Mr. RICHARD: Are you talking about any particular province?

The CHAIRMAN: The Maritime Provinces; and the reason we have chosen that section is that it is at one side of the Continent. Furthermore, the Indian population in that area is not very considerable. That would therefore indicate to the public and to the Indians that we are going about it systematically, to hear them where they are; but, since we have not received all of the departmental presentations, and in all probability will not receive them before the termination of the present session, it will be merely an indication of our desire to do the work of the committee systematically, orderly and efficiently.

Mr. MACNICOL: First I want to compliment the subcommittee on the apparent effort they have exerted to present something to this joint committee. I have read it all over and as far as I can see, clause (a) is okay. However, as to clauses (b) and (c) I feel at present that they are away ahead of their time to get really efficient service. My experience and knowledge of other committees during the course of 17 years would suggest to me the soundness of clause (d). The whole committee would be empowered to come to Ottawa during the recess for probably two weeks, or whatever time was deemed necessary, some time in the Fall—in November perhaps. A program could be arranged beforehand, so as to have at these meetings all the members of the committee. It could meet for two or three weeks, sitting all day long. Heretofore we have been sitting only two hours, but we could go in, say, at nine o'clock in the morning and sit until twelve, from two until six, and from seven until ten in the evening. We could get over a great deal of business in that way.

In the first place we could finish up completely all the departmental evidence, and if the program were properly arranged we could come regularly on the stated days and invite the Indians for two or three days. We could invite also the Indian bands to send one or two representatives. Of course, their expenses would have to be paid. It would cost the Government less to bring, say, the Mic Macs from the Maritimes than to have a Commission go down there. At any rate, there would be only two or three main bodies to be brought up and heard by this commission. I am quite in accord with the committee sitting here as a commission in the Fall to do a full job, for whatever period it decides, whether two or three or more weeks, before the next session opens.

Mr. RICHARD: The method that you propose is probably the easiest and surest way of getting acquainted with every phase of any complaints the Indians may have, or any suggestions which they may wish to make, but I am looking at the matter from the point of view of my own province. In the Maritime Provinces, as far as I know, we have no Indian problem comparable to that

British Columbia, for instance, but I think it would be best if you appointed some members from this committee to deal with the Indians of the Maritime provinces as well as of Eastern Canada, and leave it to their judgment as to how to go about it. In my own province of New Brunswick there are, I believe, 500 not more than 3,000, but I do not think there is any particular centre where you could ask them to meet, because they are scattered all over the province. One or two members of the committee by going there could get a fair picture of the Indian population of that province. This may not apply to the other provinces of the Maritimes. I am not sure how many there are in Nova Scotia or in Prince Edward Island, but in my opinion it would be best to leave it to the members of the committee to decide a plan of visitation.

The CHAIRMAN: Your proposal, as I understand it, is to leave it to the Maritime members of the committee?

Mr. RICHARD: I would say so.

The CHAIRMAN: The same objections would apply to that as to clause (b), that is to say, the objection to sending a single commissioner. In that way, members of the committee desirous of ascertaining all phases of this matter could not have the opportunity.

Mr. REID: May I ask whether the situation has been canvassed, as to how many members would be willing to go—and be available?

The CHAIRMAN: Not to my knowledge.

Mr. REID: That is important because, when we started to go around with the War Expenditures Committee, we found that only six were willing to travel. It is all right to suggest it but I doubt very much if you would get any members to go around during the recess.

The CHAIRMAN: We have canvassed the members of the subcommittee but not the whole committee.

Mr. RICHARD: I do not know how many you have on the subcommittee from the Maritimes, but if you were to ask somebody from British Columbia to go to the Maritimes—

The CHAIRMAN: I do not wish to interrupt you, Mr. Richard, but may I ask whether the same objection that you voice now would also apply next year?

Mr. RICHARD: What do you mean by objection, Mr. Chairman?

The CHAIRMAN: As I understand it, you see an objection to the proposal.

Mr. RICHARD: No, I do not.

Mr. REID: This session is entirely different from most, Mr. Chairman, because, having started so late, most members have felt like going home for part of the summer and when they meet in January, in all probability, the House will meet in July at the latest. I feel sure that there will be more members available travelling next year than this.

The CHAIRMAN: That is the feeling of the subcommittee but you will see, in our proposal, we felt that we should do something about the Maritimes. Next year we shall not be able to go from one side of Canada to the other in the summer. It is our proposal that we spend a week, probably, or two weeks, in the Maritimes this Fall; during the winter session we would visit Quebec and Ontario, and the next summer we would be free to deal with the large Indian population of the Western Provinces and British Columbia.

Mr. CASE: I would be inclined to go along with Mr. MacNicol and support clause (d), provided we met for say two weeks in November. I think we would make progress then and would accomplish a great deal. I would be in favour of accepting clause (d), provided we met in the month of November.

Mr. RICHARD: I think it would be better if you sent out a certain number of members here and there.

Mr. CASE: The steering committee or subcommittee, before we leave Parliament at this session, and the departmental officials in the interval, could follow the representations made and could organize the work that we were going to attempt in whatever two weeks we selected in November, so we would not be wasting our time, and in that way I think something could be accomplished.

Mr. REID: Sitting in Ottawa is splendid; but I have had some experience of committee work when Parliament is not in session and I do not think the members would be constantly in attendance. They would want to go home and there, and two weeks would not be very long. I think a longer period than two weeks should be allotted if you are going to sit in Ottawa. I am drawing attention to the probability that if you stayed here for two weeks you would be sitting for only six days.

Mr. MACNICOL: I have been on committees before and we sat all day long and I myself never missed a meeting. We got a great deal of work done at these meetings. I feel that if we go around the country during the coming recess we have not enough information to work upon. Going on a two-week trip to the Maritimes now you would not get very far. That is why I say, Mr. Chairman with reference to clause (d), that if you called a meeting for two or three weeks or whatever period might be decided upon, and invited all the members of this committee, it would be more satisfactory. It would be understood, of course that the expenses would be paid, as they have always been before, and there would be a daily allowance.

Mr. RICHARD: Yes. But, Mr. MacNicol, would you be satisfied that, if you called Indian representatives here at a meeting, you would get the complete picture of Indian affairs throughout the country?

The CHAIRMAN: We want to deal with the whole of this schedule as we have it before us, because it is desirable that we should complete the revision of the Indian Act during the 1948 session.

Mr. REID: Suppose you met here for two weeks to hear the Indian organizations, what would be the point in going to the various districts to hear the Indians there? Why would you call Indians here if you were going to Manitoba, Saskatchewan, Alberta and British Columbia?

The CHAIRMAN: It is the subcommittee's recommendation.

Mr. BRYCE: You might remind the committee that the schedule that is ahead provides for the calling of 26 officials to be heard, and that will take 15 weeks at this rate.

Hon. Mr. GLEN: Mr. Chairman and gentlemen: The recommendations that are made here are, of course, worth considering, but at this moment I do not think we are in a position to do that. The first proposal that came before the committee was (a), namely, that members during the recess should go around the reservations either in their own or adjoining constituencies, and I suggest that in a personal investigation the members would get far more information as to what the proposal should be to hear the Indians later on. I think the other proposals are just a little previous. Moreover, I see this difficulty. If the Indians appeared before one member of the Committee, with a clerk, they might not regard that as an adequate reception, and therefore the best means of attaining our objective would probably be to have as many of the Indians as possible present before the committee as a whole. It seems to me that the members of the committee do as is suggested in proposal (a), that is, if they go into all the reserves they know of and elicit all the information they can, they will be in a position to say how best the Indians could be represented before our committee. I suggest that the first step to take is that proposed in clause (a).

Mr. CASE: Mr. Chairman, I certainly had clause (a) in mind when I spoke clause (d).

The CHAIRMAN: We have adopted clause (a); let us forget about it.

Mr. CASE: Having followed out the suggestion in clause (a), by the last two weeks in November, if we were to meet here as a committee, we would have obtained the information which it is suggested that we should have and we would be ready for the session of 1947.

The CHAIRMAN: When would you visit the reservations or the organizations in the Maritimes, Quebec, Ontario, the Western Provinces and British Columbia?

Mr. CASE: That will be some time after the 1947 session.

The CHAIRMAN: That is what the subcommittee is trying to avoid. We say that it cannot be done in one recess. It is not fair to ask any member of the committee to devote several months to that.

Mr. REID: May I make this suggestion? Does the committee deem it advisable to adopt clause (d)? I would suggest in that event that we meet here, not necessarily in November but at least two weeks prior to the meeting of the session. I am thinking of those of us who come from 3,000 miles away. We could come down say two weeks before Parliament convened and be at work for that time.

The CHAIRMAN: We have had a good deal of helpful discussion of the matter. Would you like to have the question further considered at the next meeting? Your subcommittee has been perplexed with it for some time. We say that there must be some activity during the 1946 recess. If this committee says there should be no activity during that recess we are quite content; on the other hand, if we are to be active, what form does the committee think that activity should take?

Hon. Mr. GLEN: I am quite sure the members will come back here after having visited the reservations and will know what the views of the Indians are as regards to their later representation.

Mr. RICHARD: I agree with you, Mr. Minister. If we have some knowledge of conditions on the different reservations when we have this joint meeting afterwards, and the representatives of the Indians here, we will be in a far better position then to put any questions we wish to ask.

The CHAIRMAN: Very well. We will consider the sub-committee report again at the next meeting.

Mr. Hugh Conn, General Supervisor of Fur Developments, Indian Affairs Branch, called.

By the Chairman:

Q. Mr. Conn, what is your official position?—A. I am General Supervisor of Fur Developments, Indian Affairs Branch.

Q. How long have you been with the Department?—A. Only six years but have lived among Indians since 1923 and have always been interested in matters affecting their welfare.

Q. How long have you been in charge of fur developments?—A. A little over one year in my present capacity. I started as a supervisor on one project in 1940.

The CHAIRMAN: Are there any other preliminary questions to be asked the witness?

By Mr. MacNicol:

Q. I notice, Mr. Conn, in looking through your report, that you show pictures of Tom Lamb's conservation?—A. Yes.

Q. Have you been there?—A. Yes. I might say, Mr. MacNicol, that that illustration of pumping was prepared in response to the question which you put to Mr. Hoey when he presented the original report.

By Mr. Bryce:

Q. What project were you in charge of previous to a year ago?—A. I was working in connection with the Peribonca reserve in Northwest Quebec from 1940 to 1941. Prior to my connection with the Department I was for a time Chief Fire Warden at Grand Lake Victoria in Quebec, and in 1940 I became associated with the Department.

The CHAIRMAN: And you have been with them ever since?

The WITNESS: Yes.

By Mr. Reid:

Q. May I ask, Mr. Conn, whether your duties take you all over Canada, or are there other men under your jurisdiction? How do you cover the field?—A. There are other men working in some of the other provinces.

Q. How many men have you under your jurisdiction?—A. Three supervisors, and of recent years our fur conservation work has been branching out considerably.

By Mr. Bryce:

Q. Where you engaged in fur conservation previously to a year ago?—A. Yes. The move, as you know, started in Manitoba and for a number of years we have been operating both in Saskatchewan and in Alberta on a small scale.

Q. Did you supervise that work?—A. I was out to Manitoba in 1944 and the field survey conducted then laid the ground work for the present set-up in that province.

By Mr. Reid:

Q. When were you in British Columbia?—A. I was never in British Columbia.

The CHAIRMAN: Will you proceed now, Mr. Conn. Following our usual practice, gentlemen, I assume questions will be withheld for the time being.

The WITNESS: Mr. Hoey has already outlined for you the history of the fur conservation work which the Indian Affairs Branch has undertaken in co-operation with the various provinces and has summarized the results that have been achieved under the three types of development in which we participate.

It is a pleasure to give you some further insight into the field organization methods used in these projects and to attempt to show you that this supplementary feature of our Indian administration is the one which promises most towards the permanent solution of the economic problems of nearly half our Indian population, who still depend for their livelihood on their traditional pursuits of hunting and trapping.

Field work has been my particular sphere of activity and it is a matter of regret that, since this submission must touch upon administration and legal questions, Mr. D. J. Allan, Superintendent of Reserves and Trusts, is unable to be with you in his official capacity to-day. Mr. Allan has guided this movement from its inception to date and is much more conversant with these problems than your witness. His health is improving and there is every hope that he may, at some future date, be able to fill in the gaps left by this submission.

It is a pleasure to see that your committee has gone beyond the scope of the Indian Act in your enquiry and that you are looking into ways and means of improving the livelihood of the Indians. Since the administration of our fur conservation projects does not come under the Indian Act it is in response to that enquiry that this submission has been prepared.

One of the most contentious problems that will be placed before you by the Indians themselves is the question of hunting and trapping rights under their treaties. These treaties are not mentioned in the Indian Act but have a direct bearing on fur work and must be considered both from the white man's or legal aspect and from the Indian viewpoint.

Before going into treaty rights an attempt will be made to elaborate on Mr. Hoey's brief under the same headings starting with muskrat developments.

Muskrat Developments

The first obstacle to be overcome when a suitable area is discovered is the complicated and at times almost insurmountable conflict of interest as between the provinces on the one hand and the dominion on the other.

To understand this problem one has to keep in mind the whole question of ownership of lands and jurisdiction over natural resources as between the dominion and the provinces under the British North America Act and the natural resources agreements. Excluding only Indian Reserves, the province is the proprietor of all Crown lands within the province and the dominion has no jurisdiction. Any arrangement, therefore, under which the dominion enters upon provincial lands must be based on an agreement with the province as owner of the lands and custodian of the natural resources. This places definite limitations on what the dominion may or may not do and we can go only so far as we can persuade the province to allow us.

In this connection, considering the weak bargaining position of the dominion and the strength of the provincial claim to the exclusive administration of the resources which they own, we have had some success and the attitude of the provinces has been much more friendly and much more co-operative than the administration had any right to expect in view of its own lack of action when the administration had full ownership and full administrative authority over the resources which were the subject of our negotiations.

Frequently we were met with the statement that the Indians, being a federal responsibility, should be looked after out of dominion assets and with federal moneys and that we were in an untenable position in attempting to utilize provincially owned resources for that purpose. We were further met with the challenge to show the various provincial administrations what there was to their advantage in our attempts to assist the administrative effort of the provinces in relation to fur. We found it extremely difficult to persuade them that there was anything we could do to assist them or, much less, show them how their administration of the resources could be improved.

On the other hand, the dominion, as tutor for the Indian, is charged with the responsibility of safeguarding their underlying interest in the fur resources as set out in their various treaties and the natural resources agreements. Although legislated almost out of existence in the legal sense, these treaties present a strong moral claim by the Indians and must be considered.

Since these projects involve expenditures from public funds of the dominion it is necessary to provide some voice in the way the money will be expended, while at the same time avoiding conflict with the provinces' control of their lands and natural resources.

These points are all covered by entering into an agreement with the province which, in general, provides for:—

1. The creation of a Fur Advisory Board consisting of three members—two from the province, one of whom is the convener, and one from the dominion.

2. The amount of financial contribution from each party.
3. The degree of participation by Indians and other classes of trappers.

There are, of course, other features to this agreement but these are the main points. By the terms of these agreements the field administration is under the provincial department concerned and all regulations are passed under the Provincial Game Act, thus assuring the province of full control of their own resources. The Indian interest is safeguarded and our financial contribution controlled by our seat on the Fur Advisory Board. It is very gratifying to say that results of this plan have been very satisfactory and that never yet has our representative on a Fur Advisory Board brought down a minority report.

One of the questions most often asked by persons with only a superficial knowledge of muskrat development is that if the Summerberry project and those associated with it are capable of producing almost one million dollars in one year, why cannot the hundreds of thousands of square miles of our unused northland be made to do the same thing in proportion to its area. The answer is that muskrat developments are limited to marshlands which must be completely enclosed by higher land and which contain the types of vegetation suitable for muskrat feed. In addition there must be an adequate water supply which can be diverted on to the marsh or, if already there, be regulated at a suitable level.

While there are many lakes and streams containing along their courses the requisite feed, they are minor factors in the muskrat picture and it is to the delta areas that we must look to find the ideal conditions necessary for a development such as the Summerberry.

You have already heard the story of the drying marshes and how Tom Lamb evolved the theory that restoration of water levels meant the rehabilitation of the muskrat so it might be of interest at this time to describe the topographical changes that led to this condition. Visualize, if you will, the mighty Saskatchewan River, bearing the flood waters from the Rockies augmented by the spring runoff from the prairies until its low banks could no longer contain it. Each year it spilled over on to the vast delta area with its myriad snyes, sloughs, and small ponds forming a temporary catch basin which held the excess waters during the flood period.

Gradually over a long period of years seedlings took root along the banks and a fringe, first of grass, then small alder and willow and finally large trees took root and, as the vegetation became heavier, attracted more and more sediment until a natural dyke was built up. This process took place very gradually at first but was accelerated during the past century by the breaking of farm lands in the prairie region and the subsequent increase through erosion of the volume of sediment carried by the river and deposited on its delta. The consequence of this building process was that the banks were built up enough to contain most of the flood and water reached the marsh only in small amounts through openings in this natural barrier. This inevitably meant the disappearance of the subaqueous vegetation and with it the muskrat.

The first stage in the development of such an area is a detailed examination by a qualified surveyor who, in addition to his engineering qualifications, must have some practical knowledge of muskrats, their habit, and the natural conditions necessary to support them. This examination consists of running levels around the outside perimeter of the area and traversely through each small watershed within it so that the exact depth of water needed to make it ideal rat country can be determined. This engineer-naturalist must also determine where, and by what means, the water can be let into the marsh, and the control works necessary to hold it there.

With his report the engineer submits blueprints of the control structures with a detailed estimate of their cost. These engineering works consist of canals provided with control gates to regulate the supply of water taken on to the

marsh, the construction of block dams at the small natural outlets from the marsh and the building of dykes, often miles in length, along low places in the banks and across the area to prevent the spread of water to unproductive muskeg areas or to "terrace" water which would otherwise be too deep in spots.

At this point it should be pointed out that too much water is as bad as none. The generally accepted water index range is between 18 inches and 48 inches. Less than the minimum leaves danger of the marsh freezing to the bottom in severe winters and more than the maximum makes it difficult for the muskrats to build their houses and drowns out much of the food grasses on which they depend for their subsistence.

In addition to the natural flow of water, pumping can be used to increase the water level behind dykes and to develop slum areas which cannot be flooded by natural means. Fortunately from our viewpoint it has not as yet been found necessary on any of our projects, but both Thos. Lamb at The Pas and the Hudson's Bay Company at Cumberland House have had occasion to use this valuable adjunct to natural flow. Mr. Lamb was the pioneer in this field and he is again indebted to him for this ace in the hole for use in an emergency such as a very low water year. Pumping, however, will remain only a supplement to natural methods and is limited in its scope. You have before you to-day photographs which will serve to illustrate more graphically than any words can the relationship between pumping and natural flow. The first picture shows the canal leading from Mr. Lamb's pumping station and shows the water running into the ditch through a sluiceway two feet wide.

That is the larger of the two photographs.

The CHAIRMAN: Shall we mark that as No. 1?

The WITNESS: The second photograph shows the intake on to the Two Island portion of the Summerberry through the control dam. This inlet is seventy feet deep and ran $7\frac{1}{2}$ feet deep with all the force of the Saskatchewan River behind for fifty-four days.

Once the water is restored and controlled the muskrats reappear with startling rapidity as the following table will show. Figures are from the Summerberry area during the development period.

The CHAIRMAN: May I interject a question here? Where is the Summerberry area?

The WITNESS: Near The Pas River in Manitoba.

Year	Houses	Muskrats
1935	65	520
1936	700	5,600
1937	4,000	32,000
1938	12,500	100,000
1939	32,369	253,952

The first crop was taken in 1940 and the figures from then until the present will be shown later in this submission.

Had unrestricted trapping been permitted on a first come first served basis muskrats would have disappeared with equal speed so it was recognized the outset that some plan should be worked out which would permit full utilization of the fur resource while at the same time guarding against depletion. To do this it was necessary to obtain an accurate count of muskrats on the marsh, which, considering its size, is a job of considerable magnitude.

The marsh, I may say, is about 300,000 acres in area.

For this purpose the area is divided into zones, each of which is bounded by natural topographical features. A guardian is assigned to each zone to protect it from unauthorized trappers and during the period immediately after the count to count the rat houses on each zone.

When the count is completed each guardian submits a list giving the number of houses on each lake, slough or snye on his particular zone. These lists are sent to the head office at The Pas where they are compiled and

tabulated and on the information contained in these tables the crop is planned. The amount of labour involved both in the field and the office can be visualized when I tell you that the census of the Summerberry area runs to 175 pages annually.

This work is generally completed early in January of each year and after they are given close study by the administrative officers of both departments, the stage is set for the annual conservation meetings where the number of rats to be trapped is worked out down to the zone from which the rat is to be taken and the name of the trapper permitted to trap in that particular zone.

These meetings mark the first time in game administration that the trappers themselves were consulted in the formulation of plans which would affect their means of livelihood and it is a pleasure to report that they have supported the plan in a measure deemed impossible by all but a few idealists only a few years ago. The meetings are attended by the Indian councils of the bands concerned as well as representatives of the Metis and white groups. Changes in regulations are discussed with these groups and the head trappers to be in charge of actual trapping operations are selected. Each head trapper has a group of about ten trappers under his direction and is responsible for seeing that proper trapping methods are used and that the pelts are skinned and stretched in the approved manner.

Another new departure is the marketing of the furs under government auspices and the distribution of proceeds to the trappers on a monthly basis. Since the whole success of the venture depends on the allotted quota being adhered to they must pass through one outlet where they can be counted and graded. The pelts are then baled and shipped to the fur auction house where they are sold to the highest bidder. The uniformly high quality of these pelts is getting quite well known and the offering of these pelts is attracting ever increasing numbers of buyers.

The returns of the sale are paid over to the provincial government, who after deducting 20 per cent which is set aside to provide for protection, supervision, administration and improvement of the area, return the balance to the trappers on a monthly basis. In the case of Indian trappers this is done by remitting the net proceeds to the Indian Affairs Branch who make the distribution through the Agency offices, also on a monthly basis.

It is a matter of regret that this submission was prepared in spare time while I was engaged in live trapping beaver in Algonquin Park and therefore did not have available all the figures I should have liked to place before you. These can be prepared for a later date if you so desire and in the meantime I might tell you that in the productive years from 1940 to 1946 inclusive the Summerberry area alone has produced pelts to a value of over \$3,000,000, of which over \$2,500,000 was returned to the trappers with the Indians getting their full share, as arranged with the province.

The cost of this development to the federal treasury has been as follows:-

Prior to 1938.....	\$ 90,000 00 (relief)
1938-1939.....	32,450 18 (Far Vote)
1939-1940.....	48,081 36 " "
1940-1941.....	17,067 33 " "
Total.....	<u>\$187,598 87</u>

You will note from the foregoing that the federal government's financial contribution ceased in 1941 when the area came into production. From then on the province assumed all costs of administration and development out of the special impost previously referred to. That is a 20 per cent cut. However, although our financial contributions are at an end the participation of the Indians continues and I should like to point out that in the 1946 crop alone the Indian participation will equal almost the total amount of federal funds expended on the project.

These few statistics are offered to show that the results achieved by muskrat development projects are not measured by intangibles alone, nor are muskrat development projects an endless sinkhole into which funds are poured year after year with no return. The returns from these projects can be measured not only in terms of health and welfare as living conditions among the Indians improve but can be measured in actual dollar returns to the trappers whose object these works are undertaken.

Beaver Preserves

Beaver preserves do not have the topographical limitations that affect the muskrat projects and the techniques employed are capable of very widespread application all across Canada and, since our organization is based on Indian tradition and custom, it meets with approval among the limited number of Indians to whom we have been able to bring its benefits.

The main reason for their appreciation is that once the white man's practices written leases and agreements are disposed of we revert to Indian custom, pattern our organization after their sound, well-established practice and divide our preserves according to the aboriginal plan of land tenure that from time immemorial has served the Indian population.

Under this system every square mile of the forested portion of Canada was owned and occupied by tribes, bands and, finally families of Indians, even as we divide into provinces, counties, townships and lots. True there were no fences, surveyed lines, monuments or other artificial landmarks separating the various land divisions but they were, nevertheless, rigidly bounded by such natural landmarks as watersheds, rivers and chains of lakes with their connecting stages.

The ownership of such family tracts was, and in isolated districts still is, recognized by other Indians and within band areas a certain amount of tolerance is granted to members of the same band. They were permitted to fish, pick berries, or kill moose and caribou for subsistence, but this privilege did not extend to members of other bands unless they were travelling to or from one of the periodic pow wows, thus having a claim on the hospitality of the band they were visiting. Fur bearing animals, especially after the arrival of the white traders, were regarded as the exclusive property of the proprietor and woe betide the man who trespassed in this respect. Inter-tribal wars and family feuds were the result of such trespass in ancient times and even to-day fist fights, quarrels and occasional murder result from disputes over trapline rights. This whole system of family ownership and exclusive rights is part of the recognized moral and economic code of the Indians where they have not had contact with the moralizing effects of the whiteman's civilization.

Quarrels, feuds and even minor wars were the inevitable result of deliberate poaching but provision was made for the welfare of band members who, due to the fluctuations of fur bearers or such catastrophies as extensive forest fires, were unable to make a living on their own lands. In such instances the victim was only to apply to the tribal assembly to acquire the use of a hunting ground on his own area recovered its full productivity. This practice continues to the present time and has proved of inestimable benefit to our fur conservation scheme.

In addition to his land holding system the Indian had, and still maintains where conditions permit, a beaver conservation scheme that produced results. There were two phases to the system, the first of which was one of rotation whereby the hunting land was divided into quarters and only one section trapped each season. Thus one quarter was intensively trapped for one year and allowed to remain fallow for three seasons. This method is only practical where large tracts are available for each family, something that is out of the question in most localities, so in setting up our organization we adopted the alternative Indian plan.

Under this method the Indian deliberately left breeders in each colony. If, for instance, six beaver were in a lodge, two or three were trapped and the balance left to repopulate the same colonies. Some bands practised selective cropping by releasing immature beaver taken in trenching operations and by setting their traps in such a way as to increase their chances of taking only mature beaver.

You will probably start to wonder why, if this ideal condition existed among the Indians, our whole northern country is not thickly populated with beaver. The answer is that but for the intrusion of the white man it would be. White intrusion has in three ways caused the complete or partial breakdown of the family holding system and natural conservation methods.

First came the fur trader who was unrelenting in his quest for furs and, through his debt system, forced the native to bring in more and more pelts without regard for the remaining supply. This practice continues to this day and there is no more vicious enemy of our efforts to improve the lot of the Indian than the fur trader. Looking only to his immediate gain and unscrupulous in his exploitation of the native, he has no regard for anything or anyone who dares to interfere with his trade. I wish to qualify this statement by saying that it does not apply in full to the storekeepers who take furs in exchange for supplies and who are a rather decent element, although inclined to take advantage of the native ignorance of markets by purchasing below the real value of their pelts. I am referring specifically to the travelling fur buyer who, with no more stake in the country than a licence and a railroad ticket, has little or nothing to lose if he is caught, as he can always move on to another location.

Our largest trading company has recognized the damage done in the past and are actively engaged in fur conservation work. The fact that their motive is not altogether altruistic detracts in no way from the value of their work.

The second factor in the disruption of Indian practice is the opening up of the country by farming, mining, lumbering and all the various developments of our modern civilization. The extent of this disturbance can be visualized if we stop to think that the room we are sitting in to-day, as well as the homes of each and every one of us, is located on what once was an Indian's hunting lands. This disruption of Indian hunting practice is unavoidable and none of us would seek to halt any of these activities to restore to the Indian his trapping lands. The Indians themselves concede that such progress is necessary and this is the right they conferred upon the white man when they signed the treaties with the Crown. Although unavoidable, this disruption leads to overcrowding in the remaining trapping grounds and the result is the break-down of the family land holding system along the fringes of civilization.

The third and major factor is the roving white trapper. It may be argued that there are enormous areas that have never been visited by whites but if there are I have never seen them. There are definite proofs of their presence in the form of cabins, blazed trails, etc., on the Peribonca Preserve 250 miles from the nearest settlement in northern Quebec, and we find remnants of the last influx all through the northern part of the prairie provinces. In the preamble to their Order in Council setting aside the northern part of that province for Indians only, the government of the province of Quebec recites the following:—

That, since a few months, we have been informed, that, in many instances white trappers go by aeroplane to the Mistassinni regions Abitibi, and even New Quebec to hunt fur bearing animals.

If, as proven, white trappers have penetrated 200 to 300 miles from settlement to these, the most isolated parts of the country, where are the places that have not witnessed their depredations?

The term "depredations" is used deliberately because no other word would adequately describe the results of their operations. They are, for the most part not interested in conservation, for when they clean out one section they can

s move on to another. I have met one trapper who has hunted near Assinippi, Nitchiquon, Manicougan, Nemaseau, Chibougamou and Neosk-u, and still causes trouble amongst Indians by lifting their traps set as far as fifteen miles distant from where he is employed as guardian for a power many. Not all of these white trappers are predators and for those willing to remain in one place and practise conservation there is room under a plan which will be explained later.

The effects of a white trapper's clean-up extends far beyond the amount which he catches himself. An Indian who has practised conservation only to see the fruits of his labour taken by some white man is certainly not going to continue the practice any more than a farmer is going to leave live stock in a field constantly raided by black market operators. Even here the anomaly does not fit because the farmer has recourse in law to protect his rights, but recently the Indian had none.

The provincial government in Quebec has shown the way in the recognition of Indian practices by setting aside the Grand Lake Victoria area as well as the province north of 49° north latitude and west of the height of land for Indian trapping only. The Grand Lake Victoria Indian Hunting Reserve, an area of 6,300 square miles, has been reserved for Indians since 1928 and is a perfect illustration of Indian conservation methods. It is located near Tadoussac, less than 200 air miles from this very building, a provincial highway runs through it, tourist resorts are located on this road, lumbering operations are carried on all through it but in spite of this it has produced over one thousand beaver each year right up to the present. This, then, is the result of natural conservation with little supervision and only partial protection from poachers who make sneak and run raids along its borders.

When the chief obstacle, the white trapper, is removed the Indians make progress on their own, so in setting up our organization we do not waste anything. We merely recognize the efficiency of their system and ourselves to it.

In organizing a beaver preserve we first determine the boundaries of the preserve areas and, within each band area, the family areas. Even if we did not go beyond this point the beaver and other fur bearers would undoubtedly be restored, but in restoring the beaver we have accomplished only part of the purpose of our plan. It is necessary to institute a long range plan of management over the preserve as a whole. To accomplish this, definite information as to the number of lodges and their location is necessary, so each family area is placed in charge of the head of that particular family and he is appointed as guardian for that section.

Each tallyman is charged with counting the beaver houses on his lands and at the end of each year turns in to the supervisor his count, accompanied by a map showing their location. A tabulation of these counts, besides giving an idea of the preserve as a whole, enables our officers to see where progress is being made and to lay the blame for failure directly on the doorstep of the tallyman responsible for lack of progress.

Due to the fact that quite often there is more than one trapper on an area, there was some confusion in counting due to overlapping or leaving a lodge out of consideration that someone else has reported it, so, to offset this, we have developed a system of numbering and marking each lodge with metal markers. The markers are nailed to a tree at the lodge or if no tree is close enough—lodge poles are often found in alder swamps where there are no large trees—of suitable size is planted at the lodge and the marker affixed to it. When a tallyman turns in his count, he is given a metal token for each lodge counted and marked. This token is stamped with a number corresponding to the tallyman at the lodge and serves as visual evidence of the family wealth. When

it is considered that the value of beaver in an average lodge is about \$300, and we have quite a few families with over 100 lodges, wealth is the proper term.

These tallymen are given a grubstake of \$50 annually to assist in counting beaver houses and, in addition are provided with a windbreaker and cap badge as symbols of their position. These items are highly prized for the distinction they give the wearer and although a white man's institution they have a foundation in Indian history. The members of Indian bands denoted their attainment of manhood by the wearing of a feather in their scalplock with additional feathers being added to indicate prowess in the hunt, valour in battle and other achievements.

To illustrate the importance some of the natives attach to this uniform the following rather amusing incident which occurred at Rupert House three years ago might prove of interest. Your witness had just finished tabulating the beaver counts and had paid off the tallymen when a very old man came and asked why he did not get any "beaver money", i.e., tallyman's wages. One look at the applicant convinced me that he was long past the age when he could trap or undertake the arduous task of counting beaver lodges. Investigation revealed that he had not trapped for a number of years and was in receipt of an old age ration which amounted to more than double the beaver money so it was difficult to see what his motive might be. The late Jim Watt of whom you have heard from Mr. Hoey whispered "it's the badge and coat he is after". I explained to the old man that to take the beaver money he would have to give up his ration and would have to count beaver houses. The old man replied at some length giving details of previous hunts, the loads carried over portages and the enormous distances he had snowshoed in a single day. He finished up by the assertion that he was still a pretty good man and was therefore entitled to a hunter's rating. The problem was solved by appointing him honorary tallyman without salary, leaving him his ration and giving him the symbols of authority so dear to his heart. Exit one very happy old man who interrupted the proceedings at the feast that night to extoll the virtues of the Ahmik Okima (Beaver Boss) to the assembled tribe. If an old man with no other means of support is willing to give up more than half his income for a badge and windbreaker we may rest assured that the results in Indian interest far outweigh the cost of these items.

Organized under this plan are over 40 million acres in the provinces of Quebec and Ontario under our administration and a similar area in the same two provinces is being developed by the Hudson's Bay Company by arrangement with the provincial governments. We do not have accurate figures for the company developments but the following table showing increases in our project will give you an idea of the results that have attended the plan. The increase by projects from inception to 1945 are as follows. The figures for last winter are not as yet compiled.

Preserve	Area	Beaver start	1945
<i>Quebec—</i>			
Nottaway	7,040,000 acres	255 (1938)	7,036
Abitibi	3,840,000 "	2,012 (1942)	5,380
Grand Lake	4,032,000 "	1,076 (1942)	4,398
Old Factory	8,960,000 "	520 (1942)	3,435
Peribonca	8,064,000 "	195 (1941)	1,240
<i>Ontario—</i>			
Kesagami	3,840,000 "	569 (1942)	3,360
Albany	6,960,000 "	100 (1943)	970

The progress of an individual project may be more graphically illustrated by converting the beaver increases into dollar value for each year from inception to production. Take, for example, the Nottaway Preserve which was organized

1938 and came into production in 1945. Converting beaver into dollars at last year's average realization on the market we have the following result:—

1938	.....	\$ 17,850 00
1939	.....	34,300 00
1940	.....	51,100 00
1941	.....	78,750 00
1942	.....	110,250 00
1943	.....	172,900 00
1944	.....	272,650 00
1945	.....	447,300 00

By Mr. Blackmore:

Q. How many Indians have you on the Nottaway Preserve?—A. Approximately 100.

Q. That is a nice income.—A. Yes, it is a nice profit now but they have not had though a long period of hardships and are now beginning to reap the benefits.

The WITNESS: Thus the value of provincial assets leased to the department of the Indians is now twenty-six times what it was in 1938. The cost of this area was only \$3,000 per year or a total of \$21,000. It is now on a self-maintaining basis but even if we financed it indefinitely from appropriation we would be money ahead because the relief bill of \$3,300 annually at Rupert House has been wiped out.

Spectacular as these results seem they can be improved by transplanting beaver to a depleted area. Under straight conservation it takes seven to ten years to bring an area into production yet by transplanting beaver the same results can be achieved in five years or less depending on the number transplanted. For instance if you will turn to the figures for the Kesagami Preserve in Ontario you will see that it has reached productive stage in only five years. This acceleration was due to transplanting only thirty beaver annually for five years.

Some difficulty was experienced in early live trapping operations as it was necessary to ship long distances from provincial parks such as Algonquin in Ontario but now that we have adequate supplies of beaver on our own preserves we can greatly accelerate this work. Last season we moved one hundred beaver and this season we intend to double that figure. The only limitation to this feature is the funds available and funds devoted to this purpose are fully repaid in beaver increases. As a matter of fact if we convert the results of transplanting into banking terms we reach the almost incredible return of ten per cent compounded annually.

These are the methods by which a depleted area is brought to production and at this point we must start our control of trapping practice. After all, restoration of beaver is not new and can be accomplished easily by simply trapping a close season without any necessity of an annual census or any other organization methods we have adopted. If the only object were to exterminate the beaver we could stop now but the second and most important objective is to ensure that the fur resources will never again be depleted.

To enable the trappers to take a crop while at the same time providing further increases trapping has been put on a basis of one beaver for each licensed lodge. Since beaver litters are generally four each, this is well below the annual increment. Other factors such as sections below the standard of 20 beaver per family set by our service had to be considered.

Take for instance the Abitibi Preserve with a total of 1,076 houses which has a permissible quota of 1,076 beaver. In view of the high prices anticipated we decided to allow a quota which would provide for the Indians' needs rather than take the maximum permissible amount. The band list was gone and quotas allowed on the basis of 20 for each man with a family, 15 for

married men without families, 10 for single men and 5 for widows and old pensioners. The total of this reached 740 beaver which still left a considerable extra margin for increase.

Arrangements were made to have all skins inspected and graded before marketing and this crop control is very important because valuable information concerning trapping can be deduced from the pelts themselves. For instance an analysis of the grading sheets for the Abitibi crop shows that 75.6 per cent of the beaver caught were mature beaver—that is large, extra large and blanket and of the remaining 24.4 per cent, 18.9 per cent were medium. This left only 5.1 per cent small or kits. This proves two things very conclusively, first that there are plenty of mature beaver, and second, that our Indians are practicing selective trapping. If the percentage of large sizes dropped below 50 a restricted quota or close season would be necessary to maintain our seed stock.

The same skins graded by quality showed 93.5 per cent firsts and No. 2s only 6.5 per cent seconds, thirds, shots and damaged. The high quality prove that the beaver were killed in proper season and that care was taken in preparing pelts for the market.

Marketing of beaver from the Abitibi was on a voluntary basis and about half the pelts were sold at Quebec by arrangement with the Quebec Department of Fish and Game. Prices realized for these pelts averaged over \$60 and it is interesting to note that this figure is fifteen dollars more per pelt than was realized by the trappers who did not turn in their pelts for sale. It is anticipated, therefore, that the coming season will see an increase in the percentage of pelts surrendered to the Department.

As in the case of proceeds of muskrat sales it was decided to distribute the proceeds to the trappers gradually rather than turn over the money in a lump sum, but since these men go to their traplines in September and do not return until June it is obvious that the monthly payment system would not work. We therefore, decided to pay one-third of the value of their pelts when they came out one-third in equal instalments during June, July and August, with the balance to be distributed when they are leaving for the bush this fall.

Like the muskrat development, results of beaver rehabilitation can be measured in dollar returns as is shown by the value of the initial crop from the Abitibi and Nottaway Preserves which are our first producing areas. These two preserves produced a total of 1,810 beaver pelts which on the basis of those sold and for which we have received the returns are valued at \$106,600. Compared this with the amount of \$69,980, which is the total expenditure to March 31, 1946, on fur conservation in Quebec, and you will see that the actual cash return to Indian trappers on one year's partial production from two preserves is over 50 per cent more than the total amount spent on all development work in the province.

Registered Traplines

The organization methods used on our beaver preserves have been set out at some lengths because this plan can be adapted to all of northern Canada and can be modified to meet the changed conditions where trappers of mixed racial status are trapping together. This type of organization is commonly called "registered traplines".

Unlike the muskrat projects which are limited to certain topographical conditions and beaver preserves which are developed only where the trapping population is exclusively Indian and where the province is willing to turn the administration of their resources, in part at least, over to the Dominion, there are no limitations to the application of registered traplines.

This system has been evolved because experience has shown that trapping under the ordinary permit system has led to recurring periods of depletion necessitating complete close seasons every few years. No incentive is given to

e trapper. I should say, under the ordinary permit system, to conserve and protect his fur bearers because any he leaves for seed stock are almost inevitably taken by other trappers before he can get back to them. Registration of traplines, or more properly trapping areas, is simply the assigning of each trapper family to a definite area where they and they alone may trap thus assuring them that any conservation of fur bearers they may practise will be for their own benefit.

Near civilization where there is a large proportion of white trappers, and where the territory is surveyed into townships, this consists of the granting of whole or part township, depending on size to each trapper and giving him the full protection of the law on the area so assigned to him.

In the remoter areas where the trapping population is predominantly native, and by native I mean both Indians and halfbreeds, it follows very closely the procedure outlined under the heading of "Beaver Preserves" in this submission.

The system of registrations was first inaugurated in the province of British Columbia and was adopted in part by nearly all provinces, but the province of Manitoba was the first to apply the principle on almost a province wide scale.

The plan was first set up along the Hudson's Bay Railway on an experimental basis in 1941 and seeing the success that had attended the first efforts the Honourable John S. McDiarmid, the Minister of Natural Resources of that province, invited the Honourable T. A. Crerar, then Minister of Mines and Resources, to send a representative to Manitoba for the purpose of studying the northern part of the province and ascertaining whether or not the plan could be capable of application in the isolated and unsurveyed sections of the province.

Having had some previous experience in this type of work your witness has given this very interesting assignment and during the summer of 1944 spent three months in the field in company with Mr. H. E. Wells, Manitoba's Inspector of Registered Traplines.

In this field trip every Indian and halfbreed band, as well as representatives of the white trappers, were met and every one of them expressed satisfaction with the plan and the methods by which it was to be introduced. The procedure followed at each point visited was that on arrival at, say, Cross Lake we summoned the Indian council and halfbreed representatives together and gave them an outline of the proposals, explaining the division of the country into community areas and family grounds within each section. We then took a set of maps and, with their help, plotted out the areas claimed by the community as a whole as well as the location of each family grounds. Before having an open assembly of the whole community was held which, after explanatory addresses by the chief and councillors, was thrown open for a general question period.

On arrival at the next community a new set of maps was taken out and the same procedure was followed. In no case were representatives of one community given any idea of what ground was claimed by their neighbours though all were warned that extravagant claims would only result in delaying and disrupting the plan that was being contemplated for their benefit.

On completion of the survey the claims of the various communities were plotted on a master map and, as might be expected, quite a number of overlaps and conflicting claims were found. During the winter of 1944-45 the councils were informed of these overlaps and arrangements were made to have them assembled at three central points for the purpose of adjusting their differences.

In July, 1945, the final settlements were made and the procedure followed at these meetings served to remove any doubts that our natives, within the scope of their experience, are capable of conducting their own affairs. When the representatives of the bands were assembled the purpose of the meeting was

again explained to them and they were told that the problem was their's and their's alone and that they must settle it before any improvement in their living could be effected. They were then left to themselves to adjust their differences with instructions to call upon us when they were agreed. In several cases the arguments lasted till the small hours of the morning and, after reaching agreement, they went home and slept on the bargain. Resuming negotiations in the morning, they reviewed their work and, still finding it good, called upon us to put it on paper for them.

In the meantime, Mr. McDiarmid and Mr. Crerar had met in Winnipeg where they entered into an agreement which extended the administrative authority of the Fur Advisory Committee to take in the new and larger area.

The Fur Advisory Committee, I might explain, is the body charged with the responsibility of that work on the Summerberry Project.

Under this agreement Indians are recognized as citizens of the province and subject to the same restrictions and privileges as other residents. At the same time it was recognized that their welfare remains the responsibility of the federal government so we agreed to aid in financing the development.

The estimated cost was \$50,000 annually for ten years and, speaking generally, the cost was divided equally between the two governments. Recognizing the fact that in the first five years payment of licence fees by Indians would place an undue burden on them it was agreed that an additional \$8,000 in lieu of some fees would be added to our contribution during that period.

It was anticipated that at the end of ten years the plan would be self-sustaining but to provide for unforeseen contingencies or setbacks the agreement covers a further period of ten years during which we have agreed to finance any possible deficit in the direct ratio our Indian trappers bear to the total number of licensees.

Muskrat rehabilitation projects have been fitted into the over-all picture by a provision in the regulations that projects considered too large to be given to one community can be withheld or withdrawn from allocation and developed for the benefit of the trappers from the surrounding districts who may be considered as eligible to participate.

This plan has just been in effect for one season and, as the progress report has not as yet been received from the Manitoba government, no definite data is available at this time. However, some indication of its probable success is evidenced by the fact that in at least three communities the natives refused to take beaver trapping permits on the ground that, with high prices being realized on their other furs, they were able to get by and preferred to conserve their seed stock of beaver.

This co-operative arrangement with the province of Manitoba can be the blue-print for future arrangements with other provinces. Starting with a money grant to assist Manitoba in carrying out a program of muskrat rehabilitation conceived and planned by that administration it has progressed until within the last couple of years we have reached full co-operation and what might be termed a junior partnership in their fur resources. As a matter of fact in using the term "our projects" throughout this submission it is used in the sense of partnership and it might be a more accurate statement of fact to say that they are in reality provincial developments in which we are allowed, by agreement, to participate.

As previously explained in dealing with muskrat development projects the jurisdiction over the resources remains with the province, our interest is taken care of by a voice on the Fur Advisory Committee, and the trappers themselves including Indians, are consulted and given the opportunity of expressing their views before the program is inaugurated or before regulations governing their trapping are formulated.

Referring to trappers, except for a small minority of whites who try to secure more than their fair share of the trapping country and a few Indian extremists who insist that their treaty gives them the right to kill game on sight at any place and time, co-operation by the trappers leaves nothing to be desired.

Other provinces than Manitoba are interested in these works as the following brief recital of progress in other provinces will show:—

In the province of British Columbia, while we do not have a comprehensive over-all plan of development we have set up a beaver experimental block which has shown excellent progress and, as Major McKay told you, over half the registered traplines in that province are held by Indians. Although they have security of tenure on their trapping lands the natives have no knowledge of the new fur conservation techniques, so it is planned to have a man sent out there as soon as a suitable man can be located and satisfactory arrangements made with the province.

In the province of Alberta we have already progressed to where 869 individual Indian traplines have been registered. In this province we have had a man permanently employed in studying the problem on the ground and in transplanting beaver from areas where they are plentiful to depleted areas. This work is being done in co-operation with the National Parks administration as well as the provincial authorities. He has also carried on an experimental transplanting of marten from the national parks, the success of which it is yet too early to foresee. Negotiations are also under way with the province to conclude an agreement for the co-operative development of a muskrat area of great promise, that area is the Athabaska Delta.

In the province of Saskatchewan two muskrat areas, still under development but which have reached partial production stage, produced pelts valued at over \$50,000, the entire amount of which will be returned to Indians. Also in Saskatchewan is the second widespread application of the registered trapline or conservation area plan. Only recently the Honourable J. L. Phelps, Minister of Natural Resources and Industrial Development, instituted a plan of registered fur conservation areas and at his invitation your witness assisted in drawing up an organization plan similar to that in effect in Manitoba. An agreement also very similar to the Manitoba plan has been drawn up and has reached the final stages of preparation and will be concluded very soon.

In the province of Ontario besides the two beaver preserves described in this report individual Indian lines totalling over three hundred have been acquired and only last week preliminary conversations took place in Toronto with the object of looking into the possibility of developing all of the Patricia district on the same general basis as in Manitoba.

In the province of Quebec we have, as you already know, almost 30,000,000 acres under development and, since all the James Bay watershed north of 49° has been set aside for Indians only, we have five times that area available for development as soon as trained men and funds are available. In addition we are co-operating with the province in their individual registered trapline program, and the Quebec Indians are receiving, as always, the fullest consideration from the provincial administration.

Treaty Rights

In the foregoing several references have been made to treaty rights having been legislated out of existence and it is the purpose of this section to show why this was done and how by active co-operation with the Province, we have within the past few years substituted something better for it. Since the province of Manitoba has been used as an illustration throughout this submission, and since they are now in the forefront as far as fair treatment of Indians is concerned, Treaty No. 5 which is applicable to a large part of that province has been chosen.

In Treaty No. 5 we find the following reference to hunting and trapping by Indians.

Her Majesty further agrees with her said Indians that they, the said Indians, shall have the right to pursue their avocation of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It would appear from the foregoing that only the dominion government could legislate concerning the Indian hunting and trapping rights and this was true up until the signing of the Natural Resources Agreement of 1930. At that time it would have been quite simple to reserve these rights for the Indians and to have guaranteed them as a matter of right the privileges which they now enjoy only by sufferance and by consent of the provincial government. In the Natural Resources Agreement of 1930 a certain reservation was made on behalf of the Indians and set out in clause 15 thereof:—

In order to secure to the Indians of the Province continuance of the supply of game and fish for their support and subsistence Canada agrees that the laws respecting game enforced in the Province from time to time shall apply to the Indians within the boundaries there provided, however, that the said Indians shall have the right, which the province assures them, of hunting, trapping and fishing for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians have a right of access.

The CHAIRMAN: What province is that?

The WITNESS: The province of Manitoba. I am using Manitoba as an illustration. Similar terms are used in all three prairie provinces.

You will note that in the treaty the Indian rights are guaranteed only in what we now call "unoccupied Crown lands", and that the rights ceased when land is taken up by the province for the specific purposes of settlement, mining and lumbering or the all inclusive "other purposes".

In the Natural Resources Agreement you will note that the final phrase is "and on any other lands to which the said Indians have a right of access".

In our consideration of the treaty we now have reached the stage where the Indian rights are narrowed down to unoccupied Crown lands to which he has right of access. At this point we have a section of the Manitoba Game Act which sets out (Sec. 71, Chap. 81)

71. (1) Notwithstanding the provisions of this Act, and in so far only as is necessary to implement the provisions of "The Manitoba Natural Resources Act", it shall be lawful for any Indian to hunt and take game for food for his own use at all seasons of the year on all unoccupied Crown lands and on any other lands to which the Indian may have the right of access. In case any fur bearing animal is taken by an Indian for food during the closed season the pelt shall be the property of the Crown and shall not be sold or otherwise disposed of by the Indian, and shall be delivered by him on demand to any game guardian.

The same section also provides:

71. (4) For the purpose of subsection (1) lands set aside or designated as game preserves, forest reserves, provincial parks, registered trap-line districts, or fur rehabilitation blocks shall be deemed occupied Crown lands and not lands to which an Indian has right of access.

In accordance with this, the provincial government, by simply designating area of the province, or all of it for that matter, a game preserve or registered trapline district can rule that the Indian has no right of access and has before no special rights under his treaty.

This is what was meant by the phrase "legislated out of existence". Whether or not this legislation is *intra vires* the provincial legislature is a matter of conjecture since it has never been tested in the higher courts. Similar provisions are found in almost all provincial game Acts and, since all have gone untested in a court of competent jurisdiction they must be considered as legal binding on the Indian.

Fortunately something better is being substituted for these privileges through our fur conservation service and it now appears that this very controversial subject may be settled to the satisfaction of all concerned without recourse to the courts.

So much for the legal aspect. Let us examine the Indian side of the case in order to properly understand his viewpoint which has been the subject of much distortion and misrepresentation.

Please bear in mind that the Indians who signed the treaties were illiterates and were confident that the treaty contained what they were promised verbally at the time it was signed. We have an excellent record of these promises, not from the Indians, but in the form of reports from the commissioners who negotiated the treaties on behalf of the Crown.

To save time quotations from only two such reports will be submitted but the same general terms are used in all treaties with northern Indians.

In their report on the negotiations before the signing of Treaty 8 the commissioners set out:—

Our chief difficulty was the apprehension that the hunting and fishing privileges were to be curtailed. The provision in the treaty under which ammunition and twine is to be furnished went far in the direction of quieting the fears of the Indians, for they admitted that it would be unreasonable to furnish the means of hunting and fishing if laws were to be enacted which would make hunting and fishing so restricted as to make it impossible to make a livelihood by such pursuits. But over and above the provision we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indian and were found necessary in order to protect the fish and fur bearing animals would be made, and that they would be as free to hunt and fish after treaty as they would be if they never entered into it.

The commissioners who negotiated the James Bay Treaty No. 9 in Ontario on behalf of the province and dominion jointly have this to report:—

Missabay, the recognized chief of the band then spoke, expressing the fears of the Indians that, if they signed the treaty, they would be compelled to reside on the reserve to be set aside for them, and would be deprived of the fishing and hunting privileges which they now enjoy.

On being informed that their fears in regard to both these matters were groundless as their present manner of making their livelihood would in no way be interfered with, the Indians talked the matter over among themselves, and then asked to be given to the following day to prepare their reply. This request was at once acceded to and the meeting adjourned. The next morning they signified their readiness to give their reply to the commissioners, and the meeting being again convened the chief spoke, stating that full consideration had been given the request to them to enter into treaty with His Majesty, and they were prepared to sign, as they believed nothing but good was intended.

The intent of the treaty was plain in the minds of the commissioners for, in their concluding remarks, they write:—

Throughout all the negotiations we carefully guarded against making any promises over and above those written in the treaty which might afterwards cause embarrassment to the Governments concerned. No outside promises were made, and the Indians cannot, and we confidently believe do not, expect any other concessions than those set forth in the documents to which they gave their adherence.

These, then, are the promises made to the Indians, in return for which they surrendered all their other rights, and while these promises may not be capable of substantiation under law they present the strongest possible moral claim on the country as a whole and the administration which ignores this claim is violating the principles of fair treatment of minorities upon which our Canadian federation is founded.

What happens to an Indian under this interpretation of his treaty?

Let us take as an example an Indian who has just signed a treaty with the Crown and returned to his trapping grounds secure in the knowledge that his right to hunt and trap are guaranteed by the King. He carries on for a few years on the grounds on which his forefathers trapped, making room from time to time for a few white men who come into the country. He does not mind that so much for the country is big and there are plenty of furs for all. Gradually he becomes aware that his friend the white man is cleaning out the country and complains to the game warden. Getting no satisfaction there he decides that he might as well get his share. This leads to depletion and diminishing returns so the provincial administration sets up a game preserve or the federal government creates a national park, and he is forced to move on to his already over-crowded neighbours.

Then comes the crowning indignity. A white man arrives armed with a licence conferring upon him—the white man—exclusive trapping rights on the area. Adding further to this injustice the white holder of such licence is quite often gainfully employed as a section foreman for a railroad company or in some such capacity, or is a member of a fishing club who uses the proceeds of fur taken from the club lease to employ a game guardian whose chief occupation, other than poaching the fur he is hired to protect, is to chase away the rightful owner of the trapping ground.

Small wonder the Indian is outside conservation areas the sworn enemy of the game enforcement officer and we are fortunate that he has been unorganized and is by nature law abiding else life for those of us who have had to live in the north would have been unhealthy indeed.

I think you will agree that at this stage the Indian is in a very unfortunate and ambiguous position insofar as his treaty rights are concerned and it is at this stage that our co-operative efforts with the province bring him new hope and a wider, fuller enjoyment of hunting rights than was ever promised in any treaty. You may have noticed that in no treaty was there every any promise either actual or implied that the Indian would be given exclusive trapping rights and it is in this respect that the fur conservation program substitutes something better for his non-existent rights.

Under the registered trapline or conservation area plan he is given the exclusive right to trap on at least part of his former hunting lands and is able to practise conservation by his own traditional methods, secure in the knowledge that the benefits of his efforts along this line will accrue to him and his family. In return for this security of tenure and assistance in restocking his area with beaver he has agreed, voluntarily, to give up his claim to special privileges and to forget all past ill treatment. He asks only equality with his white brother and even agrees to pay licence fees on the same basis as the white man. In this

connection it is suggested that the Dominion might give consideration to permanently providing the money to pay these fees as it hardly seems reasonable to pay an Indian four dollars treaty money only to compel him to pay five dollars for the very rights he was promised by a representative of the Crown when he signed the treaty.

Conclusion

The interest in fur conservation as a means of bringing a fuller life and means of maintenance to the Indians dates back only a few years. Prior to 1930 fur appears to have been considered as one of the natural assets that has always been, and always would be, available to the Indian for the taking.

In this brief period the Indian administration has made a start on the task of general fur conservation and has made progress of which we have no reason to be ashamed. Up to the present, expansion has been curtailed by wartime shortages of men, money and material, but the period has been used to advantage in perfecting techniques in the field and in establishing friendly relations with the provinces as well as re-winning the confidence of the natives.

We have picked the brains and have stolen the ideas of such pioneers as Tom Lamb and Jimmy Watt, and have proven that their basic theories could stand up in the hard light of experience.

Mistakes have been made which have perhaps been more beneficial than our successes since they led to a greater knowledge of our problem and to methods applicable to the widely diversified conditions encountered in such a huge country as ours.

The provinces are recognizing in increasing measure the moral claim of the Indian to participate in the fur crop. The Indian generally is eager to substitute our plan for his non-existent legal rights; so the only remaining requirement is adequate capital to invest in the provincial resource which is the means of subsistence of over half our native population.

Let us, therefore, follow the now well indicated course that leads to the permanent restoration of our basic industry and the providing of occupational opportunity for the most under-privileged cross section of our social order.

Mr. MacNICOL: Before the witness retires, Mr. Chairman, may I ask just two questions? I did not hear you read any reference to Tom Lamb having introduced the beaver into Northern Manitoba.

Mr. CONN: I think, Mr. MacNICOL, it might be a more accurate statement of fact to say that Tom Lamb reintroduced the beaver into the Summerberry section of Northern Manitoba.

Mr. MacNICOL: Yes. You are right.

The CHAIRMAN: Now, Mr. Conn, I believe you are stationed in Ottawa?

Mr. CONN: Owing to the illness of Mr. Allan, I am.

The CHAIRMAN: How long will you be here?

Mr. REID: I have a number of questions that I would like to ask.

Mr. CONN: I would be available as long as you gentlemen might need me.

The CHAIRMAN: Why I ask that question is that we have to vacate this room within the next couple of minutes. The Banking and Commerce Committee are taking over this Committee Room and it will not be possible this afternoon to proceed with questioning. However, we certainly want Mr. Conn back for he has many questions which I am sure have arisen in the minds of the various members of the committee.

Mr. MacNICOL: We can do that at the next meeting.

The CHAIRMAN: No. I am sorry. We have Mr. Charles Bland, Chairman of the Civil Service Commission, and we hope next Thursday to have Brigadier Martin. The Committee will remember that on June 11 Mr. MacNICOL asked

that we invite Brigadier Martin and the subcommittee so recommended in its seventh report which was adopted at our last meeting.

Mr. REID: May I ask why Mr. Bland is coming before the committee?

The CHAIRMAN: He will be here as Chairman of the Civil Service Commission to answer questions concerning the rights, duties, promotions and mode of appointment of members of the Indian Affairs Branch, including Indian agents. I think that is, broadly speaking, the scope of the presentation to be made. He had been requested on several occasions and has consented to come next Tuesday.

Mr. MacNICOL: You did not mention the Sipanok area. On another occasion I would like information on that.

Mr. CONN: The Sipanok is one of the two small areas in Manitoba, to which I have referred.

Mr. REID: Mr. Conn will probably be back during this session?

The CHAIRMAN: We have prepared an agenda until the 1st August. Owing to the terrific pressure being put on members of the House by reason of three sittings a day in the Commons, and the large number of committees now in session, including the important Industrial Relations Committee, which is meeting each day, morning and afternoon, we are finding it increasingly difficult to maintain a quorum. For that reason we have not prepared any agenda beyond the first of August. It may be that we shall have to suspend the meetings of this committee soon after that date.

Mr. REID: That would mean that we would not have a chance of interrogating the present witness?

The CHAIRMAN: It is possible that during this present session of the House we may have this privilege. We shall do the very best we can to get this witness, but we have to question Mr. Leslie, Mr. Brown, Mr. MacInnis, and others. I do not think any of them has completed his testimony.

Mr. MacNICOL: I should have thought it would be possible to check up on this in view of your proposed intention to have a meeting here in the fall.

The CHAIRMAN: That, of course, has not been decided upon.

Mr. MacNICOL: It may be that we can check all this in the fall.

Mr. RICHARD: It seems that we spend a lot of time reading briefs. That may be unavoidable, but could they not be given to the members of the committee to read during their leisure time?

The CHAIRMAN: We have discussed that on a number of occasions in this committee. Probably you were not here, but we have discussed that and we have felt that the best way of getting facts firmly imbedded in the minds of the members of this committee is to adhere to the procedure we are now following.

Mr. REID: May I raise this point? We have had an important witness to-day. At the next meeting we will see Mr. Bland, and the testimony is going to be disjointed so far as the records are concerned.

The CHAIRMAN: That is true, but so far we have had no means of overcoming that difficulty. The time allotted to this very important work is extremely limited, and with the terrific pressure that is now being put on members of the House we do not feel that we can go much beyond the first of August in the present session. It may be that we will, but the subcommittee has not contemplated an agenda beyond that date. Are there any further questions? If not, we stand adjourned until Tuesday next at 2.00 p.m.

—The committee adjourned to meet on Tuesday, July 30, next at 2 o'clock p.m.

Doc
Canada - Indian Act, Special Committee
(SESSION 1946)
[Chen M., 1946]



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 17

TUESDAY, JULY 30, 1946

WITNESS:

Charles H. Bland, C.M.G., Chairman, Civil Service Commission of
Canada, Ottawa.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY

1946



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,
Tuesday, 30th July, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2 o'clock p.m. The Honourable Senator J. F. Johnston, Joint Chairman, presided.

Present

The Senate: The Honourable Senators Fallis, Ferland, Johnston, Macdonald (Cardigan), MacLennan, Nicol and Taylor.—7.

The House of Commons: The Honourable Mr. Stirling and Messrs. Bryce, Case, Castleden, Charlton, Gibson (*Comox-Alberni*), Harkness, MacNicol, Raymond (*Wright*), Reid, Richard (*Gloucester*), and Stanfield.—12.

In attendance: (Civil Service Commission): Mr. C. H. Bland, C.M.G., Chairman; (Department of Mines and Resources): Messrs. R. A. Hoey, Director, Indian Affairs Branch, Eric Acland, Executive Assistant to Director; M. McCrimmon, L. L. Brown and A. G. Leslie, of Reserves and Trusts Service; M. M. Jones, M. E. Armstrong and F. Kehoe; and Hugh Conn, General Supervisor, Fur Developments, Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman announced the unavoidable absence of Mr. D. F. Brown, P., Joint Chairman.

It was agreed to postpone until the next meeting the further consideration of the eighth report of the subcommittee on agenda and procedure. (For text of that report, see page 677 of Minutes of Evidence).

The Chairman read into the record a resolution on Indian Affairs presented, discussed and carried at the last annual meeting of the Canadian Federation of Agriculture, held in London, Ontario, January 22nd and 23rd, 1946.

Mr. Charles H. Bland, C.M.G., Chairman, Civil Service Commission of Canada, was called and was questioned with regard to civil service matters affecting Indian Affairs Branch.

On motion of Mr. Case, it was

Resolved: That the subcommittee on agenda and procedure consider the advisability of calling before the Committee, as soon as possible, Mr. W. C. Ronson, Assistant Deputy Minister, Department of Finance, in order that he may be questioned by the Committee with regard to matters concerning Indian Affairs and certain rulings of the Treasury Board pertaining thereto and concerning which evidence has already been placed on our record.

The Chairman announced that owing to court engagements, it will not be possible for Brigadier General O. M. Martin to appear before the Committee on August 1st next, but that he will be prepared to come at a later date, which will be announced. Messrs. Conn and Brown, of Indian Affairs Branch, will be recalled for questioning on Thursday, August 1st next.

The Committee adjourned at 3.30 p.m., to meet again at 2.00 o'clock p.m., Thursday, August 1st next.

T. I. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

30th July, 1946.

The subcommittee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 2.00 o'clock p.m. The honourable Senator J. F. Johnston (Joint Chairman) presided.

The CHAIRMAN: Mrs. Fallis and gentlemen, will you come to order, please? Mr. Brown is unavoidably absent but has sent a note stating that he will be in Ottawa to-morrow. I have in my possession a communication from the Canadian Federation of Agriculture. The letter, which was addressed to myself, reads as follows: "A resolution on Indian affairs was presented, discussed and carried at the meeting of the Canadian Federation of Agriculture held at London, Ontario, January 22nd and 23rd, 1946. A copy of this resolution is enclosed for the consideration of your committee." There are a number of points in the resolution and as they are brief I might as well read it: "Whereas Indians are wards of the crown. Whereas there is considerable evidence of unsympathetic treatment of Indians, particularly with reference to the following points:

- (1) Failure to provide for old age pensions, or equivalent protection.
- (2) Unsuitable educational facilities, indicating need of a general overhauling, with particular reference to improved vocational training, and the need of aggressive leadership courses.
- (3) Failure to give an account of Federal stewardship with reference to royalties collected from timber, gravel, etc., sold from Indian reserves.
- (4) A study of various provincial game laws, with a view towards revision being requested from any provinces where such laws may be working a hardship on Indians living on reserves.
- (5) Lack of adequate provision for unemployment relief, or preferably a work program.

Therefore be it resolved that we interview the Department of Indian Affairs, and any other responsible authorities with a view towards having such conditions improved.

At our last meeting we did not conclude the consideration of the report of the subcommittee but as we have Mr. Bland here now, and, as I understand a number of the members of this committee wish to be free at 3.30 to-day to attend their committee, I would suggest that it might be advisable to let further discussion of the eighth report from the subcommittee stand over until Thursday of this week. Does that meet with your approval?

Some Hon. MEMBERS: Agreed.

Mr. MACNICOL: I suggest that the communication received from the Canadian Federation of Agriculture be filed. It covers to a large extent the same matter which was submitted by others, and it will all be considered.

Mr. CASE: Mr. Chairman, who is the communication from? I am sorry, I am out of the room.

The CHAIRMAN: From the President and Managing Director of the Canadian Federation of Agriculture. It will be on the record. I read the resolution.

Mr. BRYCE: Who is it that cannot be here until to-morrow morning?

The CHAIRMAN: Mr. Brown. As it is the wish of the committee to allow matter of the further consideration of the report of the subcommittee to stand until next Thursday, we will now proceed to hear Mr. Bland.

Mr. CASTLEDEN: Do I understand that the letter which you have received has been acknowledged?

The CHAIRMAN: Yes. I have it on the record.

Mr. CASTLEDEN: Yes, but are you going to acknowledge it?

The CHAIRMAN: It has been acknowledged.

Mr. CHAIRMAN: It has been acknowledged. I might say that a communication has been received from Brigadier Martin who was supposed to be here on Thursday of this week wherein he states that it is not possible for him to be here at that time, but he has indicated that he could come next week or later.

Mr. MACNICOL: If he cannot be here he will have to wait until he is able to come.

The CHAIRMAN: He can come on the 6th of August, Tuesday next. Shall I ask Brigadier Martin to be here next Tuesday?

Mr. MACNICOL: Yes.

The CHAIRMAN: That is carried.

Mr. Bland, we are pleased that you are here. I have a list of questions I would like to put to you and I think in order to save time I will hand this list of questions to you. You can give the number of the question and the answer to it and it will go on the record in proper form. Avoiding duplication of reading will save time.

By the Chairman:

Q. Mr. Bland, you are Chairman of the Civil Service Commission?—A. Yes, Mr. Chairman.

Q. Have you held other positions in the Civil Service?—A. Yes. I joined the staff of the Commission in 1909 and became Chief Examiner in 1921. I was appointed Commissioner in 1933 and Chairman in 1935.

By Mr. Case:

Q. Have your colleagues on the Board experience as well?—A. They have been in the service for a long time.

Q. Who is on the Civil Service Commission?—A. Mr. Arthur Thivierge; Mr. Stanley Nelson the latter of whom was formerly Chief Examiner.

Q. You are the Chairman of the Civil Service Commission?—A. Yes.

By Mr. Bryce:

Q. Have you the final decisions in civil service appointments?—A. It is the duty of the Civil Service Commission to make all appointments which come under the jurisdiction of the Civil Service Act. That includes the appointments of Indian inspectors, Indian agents, and clerical appointments as well.

Q. Do you have to do with the appointment of school teachers?—A. We do not appoint farm instructors, nurses, or school teachers.

Q. That would deprive these men of being eligible for the position of Indian agent?—A. That is true. One of the recommendations or submissions that I am going to make later to the committee—I think I might make it now—is that it would be in the interests of the Indian service if the farming instructors were made come under the Act and be eligible for promotion.

Mr. MACNICOL: Let us get the matter in order. Does Mr. Bland wish to make a submission?

The WITNESS: No. I have no brief. I understood I was to come here to answer questions put by the committee.

Mr. HARKNESS: Mr. Chairman, I would propose that we proceed with the rest of questions that you have.

Mr. MACNICOL: Who made up the list of questions?

The CHAIRMAN: Mr. Brown, the secretary and myself. My first question, Mr. Bland, has to do with the chart that was submitted by the Indian Affairs Branch. I believe Mr. Hoey put it on the record. You will find it on page 7 of the minutes. A question in connection with the chart: was it drafted by the Organization Branch of the Civil Service Commission?—A. I do not think so, Mr. Chairman. It does not seem to be the same as our chart. I may say that I brought along a number of copies of the official chart of the Department as I thought it might be of assistance. The chart on page 7 does not appear to be from our Commission, but I suppose it was made up departmentally. It probably will not be very different.

The CHAIRMAN: I will just hand you this list of questions, Mr. Bland, and you may take them in their order.

Mr. CASE: Will it be possible to put this chart on the record?

Mr. MACNICOL: Turn to pages 6 and 7 of our number one report.

The WITNESS: I will be glad to supply enough copies so that each member of the committee may have one.

Mr. CASE: I suggest, Mr. Chairman, that we accept the offer of Mr. Bland to supply each member of the committee with a copy because the chart looks too large to go on the record. I feel we should each have a copy.

Mr. MACNICOL: The proper place to put any chart conveying this information is in our Report No. 17, if the Printing Bureau can easily do so.

By the Witness:

Question 2, "Does this chart represent what your organization branch considers the ideal set-up for the Indian Affairs Branch?"—A. I believe this chart which you now have in your evidence at page 7 is the old official chart of the Indian Affairs Department, and it would not represent what the Civil Service Commission considers to be an adequate organization for present needs. Basically it is probably fairly satisfactory but we are of the opinion—and we have discussed this matter with Mr. Hoey—that administratively both in headquarters and in the field a number of additional positions are necessary if the work is to be satisfactorily done. Members of the committee will note in the chart that I have had passed around that there are several additional positions provided. In addition to this we are of the opinion and have recommended to the Department that a position of Assistant Director to assist Mr. Hoey should be set-up, and that a further position of General Executive Assistant be provided. We feel that the magnitude and the importance of the work is such that there should be more administrative assistance than is presently provided. Consequently we have suggested a number of amendments to the old chart.

By Mr. Case:

Q. When was this matter first brought to your attention, Mr. Bland?—
This question of general improvement?

Q. Yes.—A. It has been the subject of constant attention because under the Act it is required that we keep in touch with such matters and offer amendments to the organization when required. If I may give a little background here it may help the committee to appreciate the situation more readily. In 1935 the Indian Affairs Department—it was a department then, not a branch—was re-organized, not by the Civil Service Commission but under the jurisdiction of an Act of Parliament. It became part of the Department of Mines and Resources and a new organization was set up by the department itself. It

went along like this for several years but after a few years had passed it became obvious that certain changes were desirable. Our first report was in 1939 but only partial action was taken on it at that time because of the outbreak of war. As members of the committee know, during the war period, re-classifications in general were not permitted owing to Treasury Board regulations. Therefore, from the period of 1940 to 1946 the Department was more or less allowed to stand still as far as changes in organization were concerned. Recently, however, at the request of the department we have made a number of recommendations for increases in staff and changes in personnel. These recommendations have gone to the department for approval and I believe they will be approved and in the near future, in my opinion, Mr. Hoey will be provided with much needed help.

Mr. CASE: Mr. McKay made certain recommendations to this committee and it seems to me that they were in line with what you have said.

The WITNESS: I have read the discussions and I believe we are in agreement with the need for the suggestions put forth by Major McKay.

By Mr. Reid:

Q. Mr. Bland, who makes the recommendations for these various official positions. What I have in mind is this: I notice "one petroleum engineer". Would that be suggested by the Indian Affairs Branch?—A. In all probability, Mr. Reid, that would be a suggestion made by the Indian Affairs director. It would be concurred in by the Commission.

Q. And the same for "Administrator of Indian Schools"?—A. Probably one of those would be recommended by Mr. Hoey. We work together on that, that is, our man works in consultation with Mr. Hoey. In most cases the recommendations would come from the department. In certain cases, however, we may be able to suggest recommendations and as a result of these conferences a good result is obtained.

Q. I would suggest, Mr. Bland, that it might be helpful with regard to the advertisements for these various positions if we could see just how the positions in this chart are filled and what qualifications are required. For instance, I would like to know what qualifications the administrator of Indian schools is required to have?—A. I would be very glad to file with the committee the qualifications for these posts.

By Mr. MacNicol:

Q. Is the same procedure followed in the matter of salaries?—A. In most cases the recommendations come from the departmental officers. They may, in some cases, come from our officers. However, they will be as a result of conferences between the two.

By Mr. Reid:

Q. I have in mind another question, one with regard to school teachers. Say you are asking for a school teacher for British Columbia. I am wondering if the same grade of education is required in all nine provinces or is each province considered separately? Is there a different examination set in British Columbia to that set in the other provinces?—A. Yes, there would be, Mr. Reid, because the conditions are different.

Q. Who sets the conditions? What guide have you?—A. It would be based on the original recommendations of Major McKay as to the requirements for the job. They would then be considered by Mr. Hoey in his department and passed for approval by the Commission. We have a great deal of confidence in Mr. Hoey and I can say that in most cases we would agree to his recommendations.

Mr. MACNICOL: I do not think we will get much out of this questioning unless we deal with it in a systematic and regular way. We started with a chart and now we are dealing with other branches. When a number of the other witnesses were before the committee certain points stood out very prominently. One was the question of Indian agents. I suggest that we spend some time on that subject. Another topic was the question of schools. I suggest that we take that up too. Another point had to do with Indians in the service. I have suggested three subjects. Let us take one at a time and finish it before we go on to the next.

By Mr. Bryce:

Q. Mr. Bland, under the present regulations when an Indian agent is retiring it is six months before you appoint another one. Do you not think that is ridiculous?—A. The Commission agrees entirely with what I believe is the feeling of this committee, that there should be no break in service of Indian agents. In other words, when a man leaves, another man should be trained and ready to take the job so that there would be no break. There are some difficulties, however, of which I would like to speak later. They are not insuperable difficulties.

Q. When you advertise for an Indian agent is it for local applicants or is the position open for Dominion-wide competition?—A. It is usually open only to persons living in the vicinity of the Indian agency.

Q. Do you not think it should be open to Dominion-wide competition?—A. The wider you set your field the more likelihood there will be of getting the best man. On the other hand, if you throw your field open to the Dominion for example, instead of a locality only, there would be two points that the committee would wish to consider. In all likelihood you would get a man who did not know the requirements at all. For example, you might send a man to British Columbia from Nova Scotia. In the second place, the returned soldiers preference would override completely local residents for the jobs. I do not see that one way is better than the other.

Q. Would you please continue and explain the first question?—A. Which one was that?

Mr. MACNICOL: May I suggest, Mr. Bryce, that you start with the subject of agencies becoming vacant?

Mr. BRYCE: That is what I am asking.

By Mr. MacNicol:

Q. What is done when an agency is about to become vacant?—A. When an Indian agent is retiring or leaving the service and his job is to be filled, the first step obviously is that the department should ask the Civil Service Commission to make an appointment. That may sound unnecessary but it is necessary to be said for the reason that in some cases, as Mr. Hoey knows, there are delays in the department due to the fact that the department cannot make up its mind what to do. I notice that the evidence refers to an inspector of schools for British Columbia. That position became vacant in 1942 and we were only asked to make an appointment in 1946, four years afterwards.

By Mr. Richard:

Q. Why?—A. I do not know. I am only pointing out that it is necessary first for the department to ask for an appointment; then the Commission advertises locally and holds a board to examine the candidates and the appointment is made. One of the difficulties in making a prompt appointment of an Indian agent or an inspector is the fact that the person formerly occupying the post is given six months' retirement leave. While he is on this leave he is still on the payroll and no other man can get the same money for the same job. That is the way it is all through the Civil Service.

Q. Who is doing the work during this period?—A. The department usually appoints someone to act in his stead. I agree with the committee that that is not good business and we have recommended to the Treasury Board that in such cases in order to speed up the procedure, the man that is retiring should be given a lump sum rather than be kept on the payroll for six months.

The CHAIRMAN: I think we have the picture on Indian agents clearly now.

By Mr. MacNicol:

Q. When a person is going to retire you give them six months' leave of absence. Is someone not appointed to take his place during that time?—

A. Usually some other member of the department is appointed in an acting capacity.

Q. One thing we are going to insist on is that they be filled promptly.—

A. I am in agreement with that.

By Mr. Bryce:

Q. Is it the Treasury Board that is opposed to it?—A. Yes. I would like to finish my statement if I may. I think there are three difficulties in this matter and I want to be quite frank about them. One of the difficulties lies with the Civil Service Commission itself. We take too long a time on these things. However, after a great many years of working in confined quarters we are going to move to a building where we will have our staff in one place instead of having them in six different buildings. We feel confident that once we are settled there we will be able to speed up our end considerably. Another delay is caused by the department itself. In Mr. Hoey's case, his recommendations for positions have to pass through the head office of his department, the Department of Mines and Resources, and there are many occasions when action is not prompt there. In certain instances with regard to appointments to be made we do not get the requisitions for a long time and we obviously cannot act until then. The third difficulty has to do with the question of this retirement leave of six months. In this connection we would be very glad if this committee felt it could recommend in the public interest in such cases as this a lump sum be granted instead of having a period of leave during which time the retiring man is kept on the payroll. This would mean that immediate action could be taken to promote a man from the service or to find a man from outside and place him permanently and securely in that position.

By Hon. Mr. Stirling:

Q. In the meantime the Treasury Board has said no?—A. That is quite true. I might add that in many instances a good man who is not in the service will not accept a temporary post. A man will only leave what he is doing if he is offered some security. If it is purely on a temporary basis we cannot give him any security.

By Mr. Bryce:

Q. Is it a fact that you have many men temporarily employed who have been in the service for years?—A. It is.

By Hon. Mr. MacLennan:

Q. Would there be anything in this: that you could appoint or promote a man to a permanent position and that he might not hold it?—A. The probationary clause applies to both appointments and promotions. If Mr. Hoey promotes a man, that person is on probation. He is there to prove that he is good enough for the position.

By Hon. Mr. Stirling:

Q. Would that probationary officer pass through your hands?—A. Yes.

By Mr. MacNicol:

Q. Getting back to the question of Indian agents. How are we going to have them appointed promptly?—A. There would be little difficulty if we could correct three things. One of them is the six months change—the retirement leave. The second is that the department does not allow us enough time to pick one if it does not put in a requisition soon enough. You cannot pick an Indian agent overnight.

Mr. MACNICOL: How many Indian agents have you?

Mr. HOEY: One hundred.

Mr. MACNICOL: I would consider that in a field of that size there should be nine or ten men ready to move anywhere at any time.

The WITNESS: That is probably true. If Mr. Hoey could advise us at a fairly early date that he is going to need a change, I do not think there should be any difficulty. If Mr. Hoey were to tell us, for example, that an agency in British Columbia was to become vacant on September 15, we would immediately notify applicants in British Columbia and hold examinations there, the examining board having Major McKay as a member. A selection would be made on the spot and there is no reason why he could not step into the job on the 15th of September.

By Mr. MacNicol:

Q. Would not the Blackfoots, the Bloods and the Six Nations Indians have more than one assistant to the Indian agent?—A. Yes.

Q. Could these assistants not be qualified?—A. I might say that that is one of the reasons that I would suggest that the Indian farming instructor should be included under the Civil Service Act, because in many cases he is the logical man.

Mr. CASE: It would seem to me, Mr. Chairman, that the Indian agent requires some specialized training and I am wondering why the department would not give consideration to a training school for prospective Indian agents. It might be for a period of only thirty days, but it does seem to me that he should be specialized in his work. Where does he get his sense of direction? How can you tell whom you might call an Indian agent in the making? He must have some place to go in order to get his instructions.

The WITNESS: That was one reason, Mr. Chairman, why it appeared to me that if an Indian agent could be chosen and placed on the job before his predecessor left it would be a more satisfactory arrangement. It is the obvious place for him to receive instruction.

Mr. CASE: Yes. I agree with that. It is logical.

By Mr. Reid:

Q. Would it be advisable to give a man who is retiring all his money at once? In my opinion there is a great deal of merit in holding a man for six months. I know of one case in British Columbia where a man was on six months' retirement. He was around to give advice but he had no control or authority. The new man had all the authority.

A. Yes, but it might be better still if the new man came in before the old one left the payroll. You would get a double benefit from this.

Mr. CASE: I am wondering whether the department should have a system whereby certain transfers would be made of Indian agents from one location to

another. In that way they would benefit by the training and they might bring new ideas to the places they are posted to, and it would remove the "familiarity breeds contempt" idea.

By Mr. Bryce:

Q. There is a question that I would like to ask with regard to this. Must the approval of the Civil Service Commission be given to the department before they can transfer an Indian agent from one agency to another, and does that refer to the Indian agency clerk as well?—A. Yes. Generally speaking, Mr. Bryce, the approval of the Commission must be given but in most cases—I think Mr. Hoey will agree with me—there is no objection raised. In certain instances where it is proposed to move a man from one province to another province, an investigation has to be made to find out whether or not there is not someone there who can fill the job satisfactorily. If I may answer the further question raised by Mr. Case, I was going to say that the question of transfer and promotion is, I consider, an important feature of the Indian agency administration and there has been a provision made for both transfer and promotion. Inspectors are the higher officials and may be promoted from the ranks of Indian agents. Similarly inspectors frequently or sometimes move to headquarters while agents occasionally move to headquarters. I quite agree that there is a good deal of merit in the idea that there should be movement among agents and inspectors, and was going to suggest that it might go further than that. I believe that there is a certain amount of merit in having movement between headquarters and the field. That is, I think it would be very helpful if some of the headquarters' officers have seen service in the field. They get a broader point of view and a wider field of experience.

By Mr. Reid:

Q. Where does the efficiency of the system come if the department is going to move an Indian agent from one district to another? How does the Commission know in what manner this agent had been conducting himself? You might know his qualification on being taken into the service, but what information have you as to how he has been actually serving?—A. Our control of that, Mr. Reid, is confined to the question of movement from one province to another; not on locality to another.

By Mr. Richard:

Q. Do you not find it preferable to avoid that as much as possible?—A. There are certain difficulties that you have to watch out for.

Q. You must look at it from another angle. If the Indian agent is going to get the co-operation of the general public he will get it better if he works in his own province than if he is a stranger in another.

Mr. MacNicol: I feel that should be tabooed altogether—the practice of moving a man from one province to another.

By Mr. Richard:

It is my opinion that if the Indian agent remains in his own province he will get better treatment from the provincial authorities.

The WITNESS: I would say that there is an advantage in a transfer in some cases. For instance, in the prairie provinces the conditions are somewhat similar. We have found it desirable in the past to look rather carefully on transfers from the prairies to British Columbia because conditions are different, but where conditions are similar between the provinces we do not try to use much control. We take the department's decision on the matter. I might add that

there are certain standards of education for the agents, although generally speaking I do not consider that education is the primary consideration for an Indian agent.

Mr. CASE: The members of this committee listened to an Indian chief who explained that he himself had been a school teacher and that his Indian agent had only had book three education. The chief said, "Yet I have to go to him for advice when I think I could advise him".

The WITNESS: There is something in that but I am of the opinion that a man with education alone will not necessarily make a good agent. He is required to have some other qualifications in addition. He has to have some business capacity, and leadership ability and the right type of personality to handle an Indian agency.

Mr. REID: Winston Churchill himself said that he could not pass a Civil service examination.

By Mr. Bryce:

Q. Mr. Bland talked about promotional competition. I would like you to tell this committee how you select an Indian agent. Is it by open competition?—A. This is not in the promotional field. We had an agency in British Columbia that became vacant. We invited applicants from the residents of the locality, that is, the surrounding district. The advertisement indicated that preference could be given to veterans. When the applications were received our local representative in British Columbia, together with Major McKay called in a representative of the Canadian Legion to sit as a watching member on the committee. They went to where the applicants lived, picked out those who seemed the most suitable from their statements of experience, and examined them orally and personally and then reported that, in their opinion, this man was first, this man was second, this man was third; and they sent their report to the Commission. I think that the present feeling of the Department of Mines and Resources is that before final action is taken they wish to see the committee's reports. As far as the Civil Service Commission is concerned, we are quite prepared, in order to expedite matters, to leave it in the hands of our local representative who has actually seen the man. That is the way in which the Indian agent is selected as a result of open examination. An agent, however, in an important position and the desire of the department is that they want to see what the grounds are before the man finally gets the job.

By Mr. MacNicol:

Q. You advertise and get all sorts of applications?—A. Yes.

Q. What chance has a man, working as an assistant to an Indian agent on a reservation, to apply?—A. Perhaps I should have explained that first because it is a perfectly proper point. If the position can be filled by someone already on the staff, that is the first step; what I have described is the second stage.

Q. I think that is very important.—A. Yes. If it is at all possible the man on the staff gets the promotion. If the department feels they have a good enough man to promote they tell us so and we ask for a report concerning him. There are three factors which are taken into consideration: first, length of service; second, the kind of work the assistant has been doing for the department; third, the department's opinion, Mr. Hoey's opinion, of the man's capacity to do the job.

Q. Do you not think that the department itself should set up some plan whereby it would be prepared to submit the names of a number of men to the Commission at any time?—A. I think that is pretty generally the position now. The commissioner in British Columbia, for example, would have in his mind and

also on his records a pretty clear indication of how the possibilities are in the province. There is one point I would like to reiterate here. In many cases the obvious choice for the agency is the Indian farming instructor on the reservation. As I said, however, he is not under the Civil Service Act and consequently if he applies he has to be treated as an outsider, and I do not consider that that good business. My suggestion to the committee would be that they should give him the same rights as the Indian agent and inspector, and have the same opportunities of promotion.

Q. We have discussed this before and the feeling is that the farmer instructor is a very important individual and is worthy of promotion. His contact over the reservation should make him an ideal man for the position of Indian agent if he is otherwise qualified.—A. I do not think that in every case he is qualified because we do not at present get the best men for that job. We do not pay them enough. I would be in favour of raising their salaries, recruiting them by competition and giving them full rights of promotion.

The Hon. Mrs. Fallis:

Q. Mr. Chairman, I would like to ask Mr. Bland a question about the educational requirements. I think you stated at the beginning, Mr. Bland, that they vary according to the needs of the provinces. Is there not some minimum standard that would apply?

A. Yes, there is. I do not think that it is good business to have a situation such as Mr. Case described, that is, where the Indian agent had less education than that of his charges. However, we do not like to be too difficult about educational standards because of the fact, Senator, that occasionally you get a very good applicant who, by practical experience, has acquired the qualifications to make him a good Indian agent. Frankly, we generally feel that we would sooner get a man with competent business sense and good personality rather than a person with high educational qualifications who did not have the other qualifications. I agree with you, however, that there should be a minimum standard of educational requirements. I would not say there is no minimum at the present time.

Q. If what Mr. Case said is an example, it must be a pretty low standard.
A. As Mr. Hoey suggests, it may be a part time agency that he referred to.

By Mr. Richard:

Q. How would you determine whether or not the agent was educated? Would you determine it by the grade he left school? He may have been educated after he left school.—A. I would not limit it to his early schooling.

By Mr. MacNicol:

Q. Are there any Indian agent vacancies at present?—A. Yes.

Q. How many?—A. Mr. Hoey could tell you that more accurately than I could. I know of two in British Columbia and of a vacancy for an inspector in British Columbia, and an inspector in the province of Quebec. Do you know any other, Mr. Hoey?

Mr. HOEY: An inspector in Alberta.

By Mr. MacNicol:

Q. What is the minimum or average term of vacancy?

Mr. HOEY: The vacancies in British Columbia were created quite recently, a couple of them since Major McKay gave evidence before this committee.

Mr. MACNICOL: Is some effort being made to fill them at present?

THE WITNESS: Yes. Action is being taken to fill them all. There has been no action taken to fill the vacancy of inspector for Quebec because we have not yet been asked by the department to fill it.

By Mr. MacNicol:

Q. With regard to salaries, what do they start at on the Blackfoot Reservation, for instance?—A. I do not suppose you are interested in the part time people. Their salaries vary. For full time employees the lowest rate of pay is \$1,380.00 plus house, light and fuel expenses, and allowances. That is the lowest. They run from there to \$2,580.00 with full allowances. That would be a Grade V agency.

Mr. HOEY: That would be in British Columbia.

Mr. MACNICOL: Coming down to Ontario what would the top position be with, say, the Six Nations?

Mr. HOEY: It is a superintendency. It is higher than Grade V. It should be \$3,000 a year. I would say a majority of agents in Ontario are Grade V's, but Tyendenaga is Grade IV.

Mr. HARKNESS: What would it be for the Blackfoots or the Bloods?

Mr. HOEY: Grade V.

The WITNESS: What would they run in allowances—\$1,000?

Mr. HOEY: It consists of a free house and fuel and light. Under the old system they had a free house, fuel, light and rations.

Mr. MACNICOL: Would not the agents on the Blood, Blackfoot and Six Nations reservations have to have cars?

Mr. HOEY: Yes. They use department cars.

Mr. REID: Are they graded according to the numbers on the reservation or the extent of it?

The WITNESS: I would like to say that the Grade V position actually runs to about \$4,000 a year. I think the committee feels that these are pretty low salaries. Now that the war is over, if Mr. Hoey is agreeable, we are going to continue a survey of the salary rates and gradings throughout the various agencies in Canada. In answer to Mr. Reid, I do not believe they are graded solely on one factor. I would say they are graded, as far as the department and ourselves can grade them, on the degree of responsibility; that is, the difficulty of administering each.

Mr. RICHARD: What is Lorette?

Mr. HOEY: It is a part time agency. I understand the agent there gets three or four thousand dollars a year, but he is somewhat of a philanthropist and turns it back into war savings certificates. In Nova Scotia I think they are Grade IV.

The CHAIRMAN: May we proceed now. We have been a long time on this.

Mr. MACNICOL: I know, Senator, but the agency, in my opinion, is of first importance and we should take some time to consider it. I feel that the standard of the agent has to be lifted and I am sure that others will agree with me; that is, in relation to his qualifications in a business capacity and everything else. In time I presume that in Northern Manitoba from The Pas east both the Government of Manitoba and this government, with the help of the Indians, will produce a very large quantity of food. In this regard I would ask whether the Indian agents will have any connection with the supervision by members of the Department of Mines and Resources from here or, say, by a department in Manitoba, in seeing to it that the Indians of that entire area get a square meal. Would they have something to do with that?

The WITNESS: I would think so.

Mr. MACNICOL: I feel that is important and that the Indian agent should be a qualified man. Therefore in order to get a man of that capacity there is no reason why his salary should not be increased.

Mr. HARKNESS: What is the rate of remuneration of assistant agents? I ask that question because I am wondering whether or not it would be attractive enough to induce the man to accept the position.

The WITNESS: As a matter of fact, in many instances the assistant agent is rather conspicuous by his absence. His work is performed, quite often, by clerical assistants, and, in some cases by the Indian farming inspector. I do not believe there are many assistants. That might be a very good point.

Mr. LICKERS: Is there not one at Brantford?

The WITNESS: Yes.

Mr. LICKERS: The reason I ask that question is because the assistant there is a chief clerk who at one time was an Indian agent in Northern Ontario. Was he demoted or what? Why was he brought to Brantford?

Mr. HOEY: The clerk at Brantford was a clerk at the Port Arthur agency and was transferred. He is classified by the Civil Service Commission as Clerk Grade IV. That is his actual classification. Whether or not he acts as assistant superintendent, that is his classification on our records.

By Mr. Harkness:

Q. In connection with that point, is not the best way to have a man become an Indian agent to appoint assistants?—A. If we had capable assistants a good deal of our trouble in the selection of agents would be dispensed with.

By Mr. MacNicol:

Q. Reservations like that of the Six Nations or the Blackfoot would be better enough to have assistants. Has there ever been any attempt to train one of the brighter Indians for one of these positions?—A. Well, I can remember the question having been discussed on several occasions. I can recall it being discussed by Dr. Duncan Campbell Scott when he was Deputy Superintendent General several years ago, and I can remember it being considered on several occasions in the more recent history of the department. I might say that it has never borne much fruit. There may be the odd case in which it has actually happened, but I do not think the discussion has ever resulted in many actual appointments being made of well qualified Indians for posts of that nature.

Mr. RICHARD: That is one question which was asked here during several sessions that we have had. We have talked about educating the Indians and having them assume our standard of living and all that. I believe we were told previously that it was possible, and yet you do not consider that objective can be reached. I do not know why it cannot be. From all we have been told of the character of the Indian and his capacity to learn things, I do not know why we could not develop some members of the Indian tribes to assume their own responsibilities. They would have much better authority over themselves than we have had. That is one phase which I think we should develop.

Mr. MACNICOL: I agree with Mr. Richard.

Mr. RICHARD: I realize that they belong to different tribes and have different mentalities, that some are brighter than others, but it seems to me that we have sufficient knowledge of the Indians to educate them. We have teachers from among them to-day. We have doctors and lawyers from among them. We have one here to-day who is in the legal profession and I consider that he could help his own with anybody of the Ontario bar. You cannot tell me that we cannot teach certain Indians to assume the responsibilities of the agencies among the different tribes.

The WITNESS: I was going to corroborate what you say by this comment: do not think anyone can feel that there are not Indians who can do this work entirely satisfactorily, because in the Civil Service I know of certain Indians who are giving excellent service while performing some of the most difficult tasks.

Mr. RICHARD: After all, one of the things we boast of is our love of democracy. If we believe in it, it should apply to everyone.

The CHAIRMAN: Have you had many applications, Mr. Bland, from the Indians themselves for the positions of Indian agent or farming instructor?

The WITNESS: Very few.

Mr. RICHARD: There are Indians in the medical and legal professions. Some to-day are ministers and clergymen. Why can we not get Indian agents from their rank and file?

The CHAIRMAN: What would be the attitude of the department with regard to the application of an Indian?

The WITNESS: It would be considered exactly on the same basis as any other application.

Mr. CASE: Of course, Mr. Chairman, if we are going to express opinions, I think there are many places in which the Indians could be placed. But if you put them in as Indian agents are you asking them to administer an Act for which we are responsible? When I look at this chart I notice that there are many places they could fit in, but I question whether the Indians would show more respect for them than they would to others acting as Indian agents.

Mr. RICHARD: But, after all, we want to uplift the Indian standard somehow, and the best way to do it is to try and place some of the Indians themselves in positions of responsibility.

Mr. MACNICOL: We are having Brigadier Martin come here in another posting. He is a magistrate in a County Court and would not hold that position unless he were fully qualified. When he comes here I am going to look him over carefully. He might be a man who could go into the department as an assistant director or something. He is a full-blooded Indian, and the time has come when we have to give them more prominent positions.

Mr. RICHARD: The Indians have a far better idea of good citizenship than good many of our people.

The WITNESS: Question 3, "At the time this chart was drafted, was there so set up a chart showing the personnel distribution of Indian affairs, (a) at Ottawa, (b) in the field?"

A. Well, the chart which I have filed to-day indicates the personnel distribution in Ottawa. The one for the field can be prepared and I would be glad to prepare one for the committee.

Question 4, "Could you file a copy of that personnel chart?"

A. I will do that.

Question 5, "Was that distribution based on departmental requests?"

A. I should say, largely, yes. That is, in the great majority of cases, requests for changes in organization emanated from the department, and, in all cases decisions were arrived at after discussions between the commission and the department.

Question 6, "What is the most recent date your investigation branch made a report to your board with regard to personnel requirements at Indian Affairs?"

A. I believe it was in March, 1946, and we are just awaiting the permission of the Treasury Board with reference to salaries, before we submit the report for approval, and, as I said a moment ago, we also intend to conduct a survey of the agencies in the near future.

Question 7, "And previous to that date, how frequent were similar reports?"

A. During the war years, reports were more noticeable by their absence than by their presence. Restrictive provisions made reports of this nature impossible.

Question 8, "And the investigator, is he a person who has made a particular study of the peculiar needs of Indian affairs with regard to personnel?"

A. In answer to that question I should say that we have had several investigators on this work. The first investigator made a broad study of Indian agencies. He travelled from coast to coast, talking to Indian agents and inspectors and acquired a pretty good field of information from them. He has recently retired but his work is still with us. The second investigator was a French Canadian who had a good deal of business experience and he too made a number of trips throughout the agencies. He also left us. He went to another department. The investigator now in charge has only recently taken over and it would be he who would go to these various places to determine what should be done as to increases in salary rates and with regard to the general improvement of the organization.

Question 9, "Does he confine his investigations to that branch alone?"

A. He has not done so in the past but I am of the opinion that he will have enough to do in that branch alone in the future.

Question 10, "What is the name of that investigator?"

A. Mr. J. A. Murray has been the investigator and Mr. H. B. Orr is now in charge.

Question 11, "Can you tell us something of his background?"

A. Mr. Murray is a Master of Science in Agriculture from the University of Alberta. He had a good deal of farming experience before coming to the commission and he has been with us for six years, doing classification and organization work. He has had some contact with the Indian agencies and would have considerably more if he conducted this survey. Mr. Orr came to us more recently. He has been with us for only three years. He is a graduate in Forestry Engineering from Toronto and has had a large amount of business administration in the fifteen years he was employed by the Province of Ontario, the Abitibi Power and Paper Co. and Price Brothers.

Question 12, "Did your investigator concur in the recommendations of the Director of Indian Affairs Branch?"

A. We have a high opinion of Mr. Hoey's knowledge of this work and his sincerity in administering it and I believe in the great majority of cases he concurred in his recommendations. In some instances changes or amendments have been suggested by the commission and I think Mr. Hoey will be the first to admit that we have helped matters. There has been and is close co-operation between the commission and Mr. Hoey.

Question 13, "And was that concurrence brought to the notice of your board?" The answer is yes.

Question 14, "And your board considered those investigation reports?" Again the answer is yes.

Question 15, "Did your board, in addition, have requests from the Director of Indian Affairs?"

A. Now, I do not know exactly what that means. I suppose it means generally, "Did the Director of Indian Affairs discuss with Civil Service Commission any additional needs of the department?" The answer to that is yes. We have had many talks with Mr. Hoey and some of the recent recommendations that we have made, for example the post of assistant director, are the result of talks with Mr. Hoey.

Mr. MACNICOL: Is there a vacancy for that position now?

The WITNESS: We feel that there should be an assistant director to assist Mr. Hoey and we are making such a recommendation to the department.

Mr. MACNICOL: Is there any reason why that man could not be an Indian?

The WITNESS: No. We want the best man we can get, but we will certainly not rule out any Indian applicant. He might be the best man for the job.

Question 16, "How many" this refers to requests, "and roughly on what dates? Since 1935, for example?"

A. Well, as I said, in 1936 the Interior department was re-organized under an Act of Parliament. Consequently during the next two or three years there was comparatively little done in the way of changes in organization. In 1939 large number were indicated. During the war years comparatively few were made but this year quite a number have been. I think probably 75 or 100 changes have been discussed with Mr. Hoey, recommended by Mr. Hoey and submitted to Cabinet for approval.

Question 17, "And as a result of the recommendations of your own investigators, and the requests of the Indian Affairs Branch, and the considered judgment of your own board, what was your next step?"

A. Our next step was to make a recommendation to Cabinet, in the case of permanent appointments, or to Treasury Board, in the case of temporary positions.

Question 18, "And the dates of those submissions?"

A. I would have to have a large file to give the exact dates. They stretch mainly over the period of 1938 and 1939, and the latter part of 1945 and the early part of 1946.

Question 19, "And what form did those submissions take; was it a memorandum giving reasons for your submission, or was it just a pro forma covering letter?"

A. In each submission the actual report of the investigator is attached, so that the reasons for the recommendation are given in detail.

Question 20, "And when you said Treasury Board, did you mean Treasury Board as constituted by Statute, or do you mean some official of Treasury Board?"

A. The procedure as required by the Civil Service Act is that we submit recommendations, in connection with permanent positions, to the Governor General in Council. We do this through the minister of the department concerned. It is usually the practice of Council to refer these to Treasury Board which, as the Committee knows, is a board consisting of five ministers of the Crown dealing with matters of expenditure. Under the regulations of Treasury Board, applications for temporary positions are submitted direct to that Board and our submissions are passed, formally, to the secretary of the Treasury Board.

Question 22, "What is the name of that Treasury Board Official?"

A. Dr. W. C. Clark, the Deputy Minister of Finance. His assistant is Mr. W. C. Ronson, Assistant Deputy Minister of Finance. Due to Dr. Clark's other duties, Mr. Ronson in most instances acts as secretary of the Board.

Question 23, "When that official of Treasury Board notifies your commission that your recommendations are not accepted, does he give you any reasons, or does he just send you a pro forma notification?"

A. Usually he gives reasons. Perhaps they are not as extensive as we our reasons for making the recommendation. In certain cases the answer simply that the Treasury Board has not agreed with our recommendation, but usually the reason is given.

Question 24, "What has been the general fate of your submissions Treasury with regard to personnel requirements of Indian Affairs?"

A. With very few exceptions, I would say Treasury Board has approved recommendations. There have been a few instances where have disagreed but there have not been many.

Question 25, "Can you tell us what proportion of your submissions Indian Affairs have been turned down by Treasury Board or that named Treasury Board official?"

A. I should say a very small proportion, less than five per cent; perhaps less than one per cent. Certainly less than five per cent. I should, perhaps qualify that by saying that while they may approve the principle of a recommendation they do not always approve the means we recommend of carrying out. For example, they may approve of a new position that we think should be filled by the promotion of a permanent officer. We feel in such cases that the permanent officer should be promoted from the lower job to the senior job. The Treasury Board have said, "We will give you a war duty supplement which means the man will get his regular salary and an additional payment bring him to the top salary, but he does not get benefits of superannuation the latter and we do not think that is fair."

Question 26, "Is there any appeal from a ruling of that Treasury Board official?"

A. Well, gentlemen, I have never found a very effective one. I wish you would tell me of one.

Hon. Mr. STIRLING: There is a question I would like to ask Mr. Hoey. It has to do with the desirability of appointing assistant agents. I understand from Mr. Bland that they are there in theory but not in practice. Does Mr. Hoey think that it is an important point? I do, for the reason that careful selection should be made of assistant agents and from these clerks would choose suitable people for the positions of Indian agents when vacancies occurred.

Mr. HOEY: I am rather disposed myself, Mr. Stirling, to look upon the farming instructor as the logical man to take over an Indian agency. That is to say, if he were appointed under the provisions of the Civil Service Act and given a sense of security that he does not now enjoy and if he became eligible by promotional competition and if his salary were increased a little, then I think we would get a far better type of farm instructor. We recruit agents now from agency clerks and from school teachers. The school teacher cannot take part in an open competition, either. If these matters were ironed out the needs for an assistant Indian agent would not be quite so apparent. I am beginning to think that if our office set up an Indian agent with a Grade I or IV clerk, or even a Grade II clerk, unless the assistant agent were a fair good authority on farming operations and was prepared to spend a great deal of his time in the field, it might be difficult to fit him into this administrative set-up. However, I am definitely in favour of recruiting better farming instructors. I do not know why we cannot get men who have had at least a two-year course in agricultural college. They would not necessarily have to be graduates. I think we could get them, if they could see real promotion ahead.

Mr. CASE: Mr. Chairman, I wonder if Mr. Stirling would pardon me for interrupting, but I must go to Industrial Relations Committee and I would like to suggest before I leave that the sub-committee take under consideration the advisability of bringing before this committee as soon as possible a representative of the Treasury Board. I think it would be proper that we know the

workings back of the Civil Service Commission. I offer that in the way of a motion or suggestion; that is, the advisability of bringing before this committee a representative official of the Treasury Board, at an early date.

The CHAIRMAN: Are you making a motion?

Mr. CASE: I make it in the form of a motion.

Mr. MACNICOL: That would mean getting a cabinet minister.

The CHAIRMAN: Mr. Case, do you mean an official of the Treasury Board such as Mr. W. C. Ronson?

Mr. CASE: Yes.

Mr. BRYCE: I will second the motion.

The CHAIRMAN: Would all those who agree please signify in the usual manner.

Hon. MEMBERS: Agreed.

Motion carried unanimously.

Mr. BRYCE: I have one more question to ask Mr. Bland before he leaves. The more I study this Indian situation the more complicated it becomes. For instance, the Indian Affairs to-day is just a branch of the Department of Mines and Resources, and we also find that there is a section of Indian Affairs that has been transferred to the Department of National Health and Welfare. Do you not consider that, for administration purposes, an Indian department in itself would be more satisfactory?

The WITNESS: In my opinion a great many of the difficulties that we have been talking about would be ironed out, if the affairs of the Indians and Eskimos were all under one department.

Mr. BRYCE: With a minister as head of the department?

The WITNESS: It is a full time job.

Mr. BRYCE: You agree with me in that?

The WITNESS: I think it would be better.

Mr. BRYCE: Thank you, very much.

Mr. LICKERS: Are there not any Indians who now hold positions as clerks in Indian Affairs offices?

Mr. HOEY: We have at least three at headquarters, but I do not know of any in our outside service. As a matter of fact I think it is only fair to the committee to state that the average Indian is not particularly interested to serve in the Indian Affairs Branch. We have trained a number of girls but they have sought positions in other branches of the service. They prefer serving in other branches of the public service. They are not particularly enamoured of going into Indian Affairs. We have three in our branch now, however.

Mr. MACNICOL: What positions do they hold?

Mr. HOEY: One is in our Treasury Branch, in a rather high position, a Miss Chollette. The other is a clerk, a Mr. Benaire, and the third is a Grade II stenographer.

The WITNESS: Perhaps I can say to the committee that there are a number of well qualified Indians in other services.

Mr. MACNICOL: In what capacity?

The WITNESS: Some of them are in quite senior positions.

Mr. MACNICOL: Administrative positions?

The WITNESS: Administrative and research positions.

Mr. MACNICOL: I know a number of Indian lawyers, doctors and teachers who are successful.

The WITNESS: There is a question I missed, with reference to the extension of the veterans' preference to Indian war veterans. The policy in that connection is just the same as the policy with reference to any other Canadian veteran; that is, any Canadian citizen irrespective of creed or racial origin is entitled to enter into competition for a post with the civil service and if he is a veteran and passes the examination, he receives an absolute preference in appointment.

Mr. MacNICOL: Are you familiar with the move in the United States a few years ago which revolutionized—

The CHAIRMAN: Pardon me, Mr. MacNicol, but we must now adjourn. On Thursday of this week we will have Mr. Conn and Mr. Brown here from the Indian Affairs Branch and we shall endeavour to have Brigadier Marshall here for next Tuesday. I declare the meeting now adjourned.—The committee adjourned at 3.30 p.m. to meet again on Thursday, August 1, at 2 o'clock p.m.

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SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 18

THURSDAY, AUGUST 1, 1946

WITNESS:

Mr. Hugh Conn, General Supervisor, Fur Developments, Indian
Affairs Branch, Department of Mines and Resources, Ottawa.

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MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Thursday, August 1, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2.00 o'clock p.m., the Joint Chairmen, the Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P., presided.

Present:

The Senate: The Honourable Senators Fallis, Johnston, Macdonald (Cardigan), MacLennan and Nicol—5.

The House of Commons: The Honourable Mr. Stirling and Messrs. Mackmore, Brown, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (Comox-Alberni), Harkness, MacNicol, Raymond (Wright), Reid, Richard (Gloucester), and Stanfield—16.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford and R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; M. McCrimmon, L. L. Brown, M. E. Armstrong, F. Kehoe, Neary, and Hugh Conn, of Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Counsel for the Committee and Liaison Officer.

Consideration was resumed of the eighth report of the subcommittee on Canada and procedure. (For text of report, see page 677, Minutes of Evidence).

On motion of the Honourable Senator Fallis, it was unanimously

Resolved: That the subcommittee, in drafting the 1946 Report include clauses (a), (c) and (d) of their eighth report, but that with regard to clause (d) the subcommittee decide whether the said Commission should sit for the two or three weeks immediately prior to the 1947 Session.

Mr. Gariépy asked that the subcommittee consider the addition of Mr. Raymond to their subcommittee, for reasons stated in the Minutes of Evidence.

Mr. Castleden asked that the subcommittee consider the setting-up of a committee on Treaty Rights and Obligations.

Both of which requests were accepted as notices of motion.

Mr. Hugh Conn, General Supervisor, Fur Developments, Indian Affairs Branch, was recalled, questioned, thanked by the Chairman for the excellent brief he had submitted and for the manner in which he had answered questions, and excused from further attendance before the Committee.

The Chairman announced the following tentative program for further meetings: August 6, hearing of Brigadier General O. M. Martin; August 8, hearing of Mr. W. C. Ronson, Assistant Deputy Minister of Finance; August 13, meeting of the subcommittee for the consideration of the Report of the Special Joint Committee on the proceedings of this Session and certain recommendations to the Government.

The Committee adjourned at 4.00 p.m., to meet again at 2.00 o'clock p.m., Thursday, August 6, next.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

August 1, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 2 o'clock p.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: We will come to order now, please. The first matter for business is re-consideration of the eighth report of the Subcommittee on Agenda and Procedure. At the last meeting but one, one of the proposals submitted was adopted. That proposal was as follows: that each member of the Joint Committee, during the coming recess, should visit such Indian Reserves as are in or near his division or constituency. The other recommendations were: (b) that we recommend that Parliament be asked to consider the advisability of appointing a commission, or one commissioner, with requisite counsel, clerical and stenographic assistance, to hear and take evidence of Indians at places across Canada convenient to large Indian Reserves; (c) that we recommend that Parliament consider the possibility of empowering as a commission, certain members of the present committee to visit, hear and take evidence at certain places in the Maritime Provinces and Eastern Quebec; and, (d) that we recommend that Parliament be asked to consider the possibility of empowering the Joint Committee as a commission to sit at Ottawa during the coming recess, in order to hear representatives from Indian and other organizations. Now, what is your pleasure with respect to these three clauses? Which one of the three would you like to adopt, or would you prefer to reject any of them?

Mr. REID: I made a statement with regard to (d) when the question was put before the committee. I said at that time that we should ask the members of the committee to meet here at least two weeks before the session of Parliament commences next year. I am now putting that as a proposal and I make the suggestion for several reasons. First of all, we will have many representatives to see and hear and we could carry on our deliberations for two or three weeks in order to accomplish this. This is apart from the fact that we could visit Indian reservations ourselves later on. The proposal of coming to Ottawa some weeks before the beginning of the session is made from a practical point of view. Speaking for myself, I would be extremely reluctant to come down here from British Columbia in the month of November, for instance, and then travel back to B.C. again. I do not like to be repetitive when I was on the War Expenditures Committee and we came down here between sessions, we found that there was only a nucleus of members prepared to come to Ottawa and sit and deliberate day after day. We sometimes discovered that there were as few as six members deliberating on war expenditures. Due to a vast experience from every angle that I propose we should come to Ottawa at least two weeks before the session commences.

The Hon. J. F. JOHNSTON (Joint Chairman): Mr. Reid, are you making the suggestion on the assumption that Parliament will meet in January, 1947?

Mr. REID: Yes.

The Hon. J. F. JOHNSTON (Joint Chairman): What if Parliament does not meet until February or March?

Mr. REID: The same thing would apply. I feel that we could meet say two weeks before the session begins and sit every day with the exception of Saturday. We should have full day sessions during those weeks. It would put us that much farther ahead.

Mr. CHARLTON: I will second the motion.

Hon. Mr. STIRLING: Mr. Chairman, I do not find myself in agreement with this proposal. A certain number of the members of the committee may find that that is a convenient thing to do and would come here and do excellent work, but I believe that the quorum will have to be reduced in order to get the work done. I am not in the position to-day myself to say whether or not I would be one of those able to come to Ottawa. As I said the other day, I am leaning more and more to the proposal set out in (b). You may call it a commission or anything you like. I am of the opinion that an enquirer who is well suited to the work at hand would be able, with the assistance of a stenographer and possibly other personnel, to travel across Canada and gather and later present to this committee information which he has gleaned from the Indians in a uniform manner. The report would be in a balanced condition by the time it reached us. I do not favour the idea that certain members of the committee should form a subcommittee to go to specific parts of Canada. I do not believe that that would be a good method. It seems to me that once we have laid a foundation from the information received from listening to the evidence presented by officials of the department, the next stage should be the presentation of the views of the Indians who wish to express themselves before this committee. Through the medium of a commission a report could be put before this committee in an orderly and systematic way. From past experience of committees meeting between sessions I do not consider that we would achieve our purpose by asking members of this committee to come here and sit continuously two weeks before the opening of Parliament.

The CHAIRMAN: Is there any further comment? For those of you who have just come into the room I might inform you that we are at present discussing the resolutions as to the recess activities. We have adopted (a), that we will all visit as many Indian reserves as we are able to. Now we are discussing which if any, of (b), (c) and (d) we will adopt.

Mr. FARQUHAR: I see not objection in coming down here two weeks before the session commences and I do not imagine that if we came here at that time we would have any difficulty in getting a quorum. It is possible that if we came to Ottawa in November or December we would have difficulty but, as I say, I feel that we would have no trouble in getting a quorum if we came here just two weeks before the opening of Parliament. When we realize the fact that we will not get through with this work for possibly two years or more, I consider it would be a splendid idea to spend two entire weeks on this matter and then we would be in a position to question the Indians as we called them before us.

The CHAIRMAN: Has the committee considered the question of a two week period? It may take considerably longer than that.

Mr. REID: In my motion I merely said two weeks as a tentative period. It could be three weeks.

Mr. FARQUHAR: I am of the opinion that it would be better if we make it three weeks.

Mr. CASTLEDEN: We would not be in a position to come down here two weeks before New Year's if the House of Commons is going to meet in January. The committee all realize, I think, that we have a big job ahead of us in dealing with the matter of treaties and the matter of actual conditions among the Indians throughout the country. I think the committee also realizes the apparent urgency of the problems, and, because the job is so great it seems to me we are doing too

much postponing of it. I feel that the recommendation should be that we ask Parliament to consider the advisability of appointing a commission, with counsel and other necessary personnel and any other interested persons who would be willing to act, and that they should continue with this work. I do not like to think that the work we have started here is going to die out at the end of August and that nothing will be done again in this regard until the first of the New Year. I feel that we ought to keep working at this. In fact, I would like to see a subcommittee of this committee working on the matter of treaties alone. There is a tremendous job to be done and I would certainly urge that we do everything we can to carry on with the work and keep it going until the job is done. It should really have been done a long time ago.

The CHAIRMAN: Which of the three suggestions are you recommending?

Mr. CASTLEDEN: I am recommending the appointment of a commission, not a commissioner. I refer to either (b) or (c).

The CHAIRMAN: (c) would be the same thing except that it would provide for members of this committee to travel to the maritimes.

Mr. GARIÉPY: (c) does not cover all of Canada.

Mr. REID: I am giving only my personal views but I am of the opinion that if we ask Parliament to consider the advisability of appointing a commission as outlined in (b), it is tantamount to saying that the task is too big for the members of the committee and that we feel that Parliament should delegate the powers to some other commission. I believe that from the point of view of the Indians they would have more faith in members of the House of Commons than they would in an appointed commission.

The CHAIRMAN: Not only that, Mr. Reid, but it has been expressed before when discussing this matter that if a commissioner were appointed, the members of the committee would not have the opportunity of cross-examining the witnesses.

Mr. CASTLEDEN: I am not in favour of one commissioner being appointed.

The CHAIRMAN: Proposal (b) is the same as (c) except that the latter is limited to the maritimes. The reason for that is because the maritimes has the smallest population of Indians.

Mr. BRYCE: You might explain a little more fully to the committee, Mr. Chairman, that when we discussed this recommendation in the subcommittee we realized the magnitude of the task and that we could do only so much, and that whether or not we could clear up this work in three years' time we really had to do something this coming recess. That is the reason we suggested the maritimes. It has the smallest population of Indians.

The CHAIRMAN: I think that at the past four meetings we have discussed the groundwork for our activities but I can go over it again. The overall picture is divided as follows: During the 1946 session—that is the one we hope is now drawing to a close—we were to hear departmental cases; that is, witnesses from the department were to give us evidence on the department's aspects of Indian affairs. During the 1947 session it is planned that we hear the Indians, the church representatives and other organizations. In the 1948 session we are to revise the Indian Act, or, I should say, in 1948 our programme provides that we start in with the revision of the Indian Act.

Mr. REID: Do you feel that after two years of deliberations we will be ready in 1948 to revise the Indian Act?

The CHAIRMAN: We hope to. It is only a hope; but if we do nothing during the recess we may not be able to carry out that program.

Mr. GIBSON: We have not yet completed the departmental cases.

The CHAIRMAN: We may take thirty odd meetings to do so.

Mr. RICHARD: What will we have to work on if we come down here two weeks before the start of the 1947 session?

The CHAIRMAN: We would have to arrange that we hear the various departmental officials; and the church organizations would probably be heard during that two-week period.

Mr. RICHARD: But we will have no benefits at all in the way of personal contact except what we might do ourselves during the recess.

The CHAIRMAN: That is right.

Mr. RICHARD: I am in favour of supporting Mr. Castleden's idea, in this sense, that I would delegate to a commission the duty of interviewing the Indians before they came here. I feel that the commission should gather the evidence of all sides and submit their report here, because if we only hear from certain tribes who are organized we will not get a complete picture.

Mr. FARQUHAR: Is the idea behind this submission to have the commission take evidence across the country and then have the Indians come here and give the same evidence? If that were the case it would seem to me that we would be duplicating the work.

The Hon. Mrs. FALLIS: I suggest, Mr. Chairman, that perhaps we could reach a compromise from the suggestions that have been made. It has been suggested that the Indians would not look upon an appointed commission with as much favour as they would upon members of this committee. In that case we would adopt (c), and that would not prevent members of this committee from coming to Ottawa a week or two before the next session. In that two-week period we could hear the report of the members who formed the commission. I think it would be more satisfactory to have a commission either appointed by the government or from this committee go to each section of the country. In this way there would be a uniformity about it, whereas if you are merely depending on evidence presented by representatives of the Indians you bring here from various parts of the country, you are going to receive a sort of biased viewpoint. You will not get the viewpoint of every section of the country. My personal opinion is that a commission should be appointed by the government, or from the membership of this committee, to travel to the various sections of the country hearing evidence, and to submit their report here.

The CHAIRMAN: Are you suggesting a combination of (c) and (d)?

The Hon. Mrs. FALLIS: Yes. Then this committee could reconvene and examine the commission's report.

Mr. REID: The way I see the question, Mr. Chairman, is this: At the beginning of the session, as a member of this committee, I was not in as good a position to go and discuss with the Indians their problems as I am at the moment, and, once I get clearly in my head the set-up of the department, I will be that much better equipped to talk to them. When I go out during the recess to talk to the Indians I will have at my disposal a certain amount of information that I have acquired as a member of this committee from what has been presented to us. Before I came to the committee I had a great deal of notions about the Indians; some were wrong, others were right.

The CHAIRMAN: Does the committee object to adopting the suggestion put forth by Senator Fallis and leaving it to the steering committee to carry it out the best way it can? That is to say, if we could get a sufficient quorum to go to the East we would do so, and then return here and hold our meeting just the same.

Mr. REID: I can see a great deal of merit in Senator Fallis' suggestion, but I would like to draw to the attention of the committee the fact that once you take the step of sending a commission to the maritimes, you will be duty bound, from the point of view of the Indians, to follow it out across the country.

The CHAIRMAN: That was our original plan—to do that during the 1947 recess. If you will refer to the eighth report you will see that the only reason

have selected the maritimes for this recess is in order to show some activity, because of the fact that there is a low Indian population in the maritimes.

Mr. REID: May I also comment on another thought that just came to me? I think that before the subcommittee reaches a decision on the proposal Senator Fallis, the members of this committee should be canvassed, because you make a recommendation to this committee that a certain number of members should go to the Eastern provinces and you cannot get any to go, what would be the result?

The CHAIRMAN: If the subcommittee on canvassing the members find there not enough interested, we will just drop the proposal entirely.

Mr. CASTLEDEN: I think the suggestion has a good deal of merit in it. I suggested that five meetings be held in the maritimes?

The CHAIRMAN: More than that; at least a couple of days in each place.

Mr. CASTLEDEN: I mean at five places, and three or four days in each.

The CHAIRMAN: That has not yet been worked out.

Mr. CASTLEDEN: I think it should be worked out and that a plan be formulated because unless that is done it is going to be quite impossible for us to visit all the reservations. If the Indians knew that a commission was travelling across Canada and holding three or four day sessions at various places, they would feel that something was being done. We could move right across the country and probably by the end of November we would have covered most of Eastern Canada.

The CHAIRMAN: It was our proposal that during the 1947 session we would hold sessions in Ontario and Northern and Western Quebec.

The Hon. Mr. MACLENNAN: I should think that it would be a good scheme to have members of the committee visit in the maritime provinces as is suggested here, but I do not see why the same thing would not be done in other parts of the Dominion.

The CHAIRMAN: We are going to do that, but we have not heard the department's case yet and we are not prepared to hear all Indian organizations. We have heard the department's evidence. The reason that we are going to the maritimes is that there are not many Indians there and it will mean we will have that part of our job done.

Mr. FARQUHAR: I see no objection to that.

The CHAIRMAN: In other words you are leaving it, to a great extent, to the subcommittee.

The Hon. Mrs. FALLIS: May I ask a question for my own information? Is the idea of the subcommittee to have one commission go right across Canada?

The CHAIRMAN: No. The subcommittee will have to ask this committee for a suitable number. If after canvassing the members the subcommittee could get a suitable number, we would have to abandon the idea of going to the maritimes.

The Hon. Mrs. FALLIS: Would we appoint maritime members to go there?

The CHAIRMAN: We would want to get a cross-section of the country both geographically and politically.

The Hon. Mrs. FALLIS: You would not confine it to maritime members?

The CHAIRMAN: Oh, no.

The Hon. Mrs. FALLIS: I would think that it would be less difficult to get members to go if they were not going to be too far from home.

The CHAIRMAN: Would you like to make a motion on this, Mrs. Fallis?

The Hon. Mrs. FALLIS: Yes.

Mr. CASTLEDEN: Do I understand that the subcommittee is going to go on this?

The CHAIRMAN: We have been discussing this now at four or five meetings that is, to allow the subcommittee to act in this way. If they can decide on a suitable subcommittee,—we will call it a subcommittee—which may be comprised of all of this committee, to go to the maritimes, then we will ask parliament for authority to set that subcommittee up as a commission. In addition to that we are to come back here two or three weeks before the opening of the next session of parliament to hear the report of the travelling commission and to hear the balance of the departmental presentation. Is that clear everybody?

Mr. REID: I will second Senator Fallis' motion.

The Hon. Mrs. FALLIS: If I am making the motion I would not like to have the period for as long a time as three weeks.

The CHAIRMAN: We will leave that to the subcommittee.

The Hon. Mrs. FALLIS: In order to get the members back I would confine the period to one or two weeks.

The CHAIRMAN: We will amend the motion to one or two weeks.

The Hon. Mr. MACLENNAN: We do not know when parliament is going to meet.

The CHAIRMAN: No, we do not know at present when parliament is going to meet, but we would know that at least two weeks ahead of time.

The Hon. Mr. MACLENNAN: That is why we should make it two weeks.

The CHAIRMAN: That matter could be left to the chairman of the subcommittee.

Mr. CASTLEDEN: Mr. Chairman, I would like to oppose the suggestion that we leave it to the subcommittee to act on this.

The CHAIRMAN: Of course, anything the subcommittee recommends is subject to approval by this Joint Committee. We are empowered to do only what we wish and if your committee feels it cannot leave this to the subcommittee, we will have to be discussed again at another meeting. If we adopt this motion we will have agreed that a commission will be set-up to go to the maritimes and that we will sit here immediately prior to the 1947 session. Or, you can make two motions if you like, the second being that we will come here not more than two weeks before the next session.

Mr. CASTLEDEN: On the recommendation of parliament?

The CHAIRMAN: Oh, yes. There has to be an application to parliament for authority. Now is there any objection to that? All in favour? Contrary? The vote is unanimous.

As to the next matter, we were to have had Brigadier Martin here to-day but he wrote to me, and I have not had an opportunity of discussing it with the subcommittee, that he was not able to come to-day. He asked for leave to come next Tuesday, August 6th, and if it is your pleasure we will hear him then.

Mr. CASE: Mr. Chairman, I am under the impression that we dealt with that at the last meeting and it was decided then that Brigadier Martin would be with us next Tuesday.

The CHAIRMAN: I will take that vicarious explanation although I have not got it officially yet.

Mr. REID: I would like to bring to the attention of the committee a point of information with regard to teachers who are instructing the Indians in the province of Saskatchewan. I am wondering if that is a scheme under the Department of Indian Affairs, or is it strictly a provincial scheme. I feel that there is a great deal of merit to the scheme. An article appeared in the *Ottawa Citizen*.

on the 24th of July of this year and describes how French-Canadian teachers are helping to teach basic English to Indians in the province of Saskatchewan. I am wondering under whose authority and jurisdiction that is being done.

Mr. BRYCE: Do you know whether or not they are half-breeds?

Mr. REID: No. The article is by Norman Altstedter. I do not know who he is, but the article reads as follows: "Thirty-one French Canadian teachers and students tried to prove in a classroom here to-day that disharmony between races in Canada was not inevitable.

The Quebec group have stopped here for a four-week course in advanced English on their tour of the West and are helping to teach basic English to 30 Saskatchewan teachers.

John Kelly of Montreal, top Canadian authority on basic English, thinks their presence in Western Canada and the warm reception they have received, is a long way towards proving their point. He is head of the touring party which next Saturday leaves for Vancouver, with later stops at Victoria, Lake Louise and Banff.

The Saskatchewan department of education is sponsoring the course in basic English and citizenship for the provincial teachers. Eight of the teachers have come from remote northern Saskatchewan settlements where their instruction will reach treaty and Metis Indians. Forty seven per cent of the province's population is of 'other European' (not English or French) origin—the largest in Canada. The province has a relative number of people who do not speak English.

The provincial program began last fall when four teachers from Wymark, Sask., were given instruction in basic English. Winter evenings they taught Menonite groups the language.

Next winter at Camself Portage, isolated trapping base on Lake Athabaska, John Gertzson, taking the course here now, will instruct a class of Indians in English and citizenship. He will be one of the first fully-trained teachers of basic English in Canada." I read that as a matter of information.

The CHAIRMAN: Have you anything to say to that, Mr. Hoey?

Mr. HOEY: I am inclined to believe that that is a provincial project, but I want to say that our supervisor of vocational instruction is out in the prairie provinces now, conducting a number of short courses there. That is to say, he goes to a central point where he calls together the teachers of Indian day and residential schools and gives them instruction in vocational training, physical culture and visual instruction. At the present time we have short courses all running concurrently, but I am inclined to think from what Mr. Reid read that that is a provincial project.

The CHAIRMAN: Does that answer your question, Mr. Reid?

Mr. REID: Yes.

Mr. GARIÉPY: What are the names of the members of the subcommittee? The point I want to make is that our subcommittee has many powers and responsibilities. At the commencement of the proceedings, on the subcommittee we were represented from my part of the country by Senator Ferland, but it happens that he has not been able to give much attention at all to the work of this committee. He has been too busy with other duties. One of my colleagues, Mr. Raymond, has been very active in our work, and, although I do not wish to change the proportion of representation from the Senate, it would seem more satisfactory from the interests I am taking care of to have Mr. Raymond on the subcommittee.

The CHAIRMAN: The subcommittee was recommended and adopted by this general committee after the various sections of our committee were considered. The subcommittee comprises the following persons: Mr. Bryce, Mr. Gibson, Mr. Stanfield, Mr. Harkness and myself from the Commons. I am sorry, I

should have listed the senators first. The Senate is represented by Senator Ferland and Johnston. Now, I can give you the reason for this.

Mr. GARIÉPY: I do not want to take up the time of the committee. I think we can settle that ourselves. The length of life of this committee is not the same as that of parliament itself; it can be altered at any time. We could have two more members, one from the Senate and one from the Commons.

The CHAIRMAN: That would make nine members. We try to hold it down to seven. However, that could be taken as a suggestion for consideration by the subcommittee.

Mr. GARIÉPY: I would ask that Mr. Raymond be taken on the subcommittee. It is not necessary for me to enlarge upon this, but Mr. Raymond has been very active and is a valuable member of this committee. It would be more satisfactory in the end to have him placed on the subcommittee because the problems are many.

The CHAIRMAN: If you leave that as a suggestion it will be taken to the subcommittee for consideration. Now, going back to what I was speaking about a moment ago, you will note that on July 23 the report of the subcommittee was that on August 1 we would deal with the matter of further hearing of department officials. In this respect Brigadier Martin will be here next Tuesday. This has not yet been discussed with your subcommittee but it will be. It is now tentatively proposed to hear Mr. W. C. Ronson of Treasury Board next Thursday and on August 13 we will hold a meeting in camera to discuss the report to be presented to parliament. It is not proposed that we will have many meetings after that.

Mr. CASTLEDEN: What about all these people we were to hear?

The CHAIRMAN: We have had just so many meetings to hear all these people and it has been a point of objection all along that we have not had the opportunity of questioning these witnesses. The reason we are coming back here prior to the 1947 session is so that we may devote our time to cross-examining all these people. To-day we have Mr. Conn here. He was a witness last week and gave us a very excellent report on fur conservation. If it is your pleasure I will have Mr. Conn come forward. He has presented his brief and you will have now an opportunity of asking any questions that you desire. I might say that Mr. Conn will soon be going out in the field. He thought he would have gotten away before this but he was detained in Ottawa for several days. When he does leave he will not be back in Ottawa for a considerable time.

Mr. CASE: Before Mr. Conn is called I would like to bring to the attention of the committee a newspaper editorial which compliments this committee on its decision to have members of this committee visit the Indian reservations. It expresses, to some extent, public opinion.

The CHAIRMAN: Would it be your pleasure to have that editorial incorporated into the minutes of this meeting?

Mr. CASE: Yes; as an expression of public opinion that we are seeking to obtain the information that the committee desires to have. The editorial is from the Owen Sound *Daily Sun-Times* of July 29, 1946. It reads as follows:—

The Parliamentary Committee investigating Indian affairs throughout the Dominion has gone on record as approving a proposal whereby every member will visit all Indian reservations in or near his constituency during the coming recess. The proposal is on a voluntary basis, and whether or not all of the 2,300 reservations will be visited is a matter of conjecture.

Much of the success of such a program will, of course, depend on the spirit in which it is carried out by the members of the committee. Certainly the suggestion is a splendid one and should be carried out to the fullest possible extent. The committee has given much thought and study to the affairs of the original natives of this land, while a vast amount of further investigation is essential if the planned revision of the

Indian Act is to fulfil all that is expected of it. Another suggestion advanced is that the committee should continue to sit during the session to hear representations from the Indians themselves as well as other bodies.

Now that such a splendid start has been made nothing should be allowed to interfere with the completion of the task. While many Indians live under as near to ideal conditions as possible, the truth of the matter is that many live in utter poverty, eking out a mere existence. No small share of the cause for this situation is the lack of proper leadership given the Indians. If given proper instruction and guidance the Indians can raise themselves to a much higher standard of living. Much of their land has very considerable possibilities if it is developed to the best advantage. Where such leadership has been given, either by the white men or by some members of their own race who took such duties upon themselves, vast improvements have been made. Properly instructed and advised, farming, fishing and hunting can be made to pay much greater dividends than they now do. A great deal more can be made out of their native arts than has been done in the past.

There would be no better way for the members of the committee to become acquainted with actual living conditions than to make a complete survey themselves. Let the visits not be too official. Rather let the members visit the reserves unannounced, more as interested tourists than in an official capacity. Let them visit the homes, talk to the people as they meet them while they go about their daily duties. And then, later, talk to the officials of the reserve. It is the viewpoint of the every-day Indian that it is desired, not that of the agents and other officials.

Mr. CASTLEDEN: I would like to give notice of motion to move that we set-up a subcommittee to study particularly all matters concerning Indian treaties in Canada.

The CHAIRMAN: We will accept that as notice. In hearing Mr. Connall we follow the procedure previously adopted; that is, of one person asking as many questions as he has prepared, subject, of course, to minor interruptions by other members of the committee?

Ir. Hugh Conn, General Supervisor of Fur Developments, Indian Affairs Branch, recalled.

Mr. REID: I am sorry, I did not bring with me the brief that Mr. Conn presented, but there are one or two questions which I would like to ask.

The CHAIRMAN: Pardon me, Mr. Reid, but would you mind if Mr. Conn makes a correction?

The WITNESS: On page 684 of the minutes of proceedings of Thursday, 25th July, 1946, Mr. Reid asked the question, "How many men have you under our jurisdiction?" In reply to that question concerning our staff, Mr. Reid, I replied that we had three supervisors. Now, I might explain that those are three full-time supervisors. In addition to them we have a superintendent of construction who, at the present time, is working on development in northern Saskatchewan. We also have a full-time engineer who is serving certain areas in northern Alberta. In addition to all that we have two part-time supervisors who are engaged during the summer months and who are at the present time live-trapping beaver. Our permanent staff, though, consists of three supervisors, superintendent of construction, and an engineer.

The CHAIRMAN: Is that the correction which you wished to make?

The WITNESS: Yes.

By Mr. Reid:

Q. Has any consideration been given to the propagation of other animal besides the beaver? I notice that in the brief you presented that over half of it is devoted entirely to the raising of beaver. In reading over the old history of "Hudson's Bay Correspondence and Letters" I discover that the Indians of those days evidently caught and skinned thousands and thousands of animal every year. To-day some of those animals are being kept in captivity and raised by those who are in the fur business. I am wondering if any thought has been given to the raising of any animals other than beaver. That is why I asked the last time you appeared before the committee whether or not you had any knowledge of British Columbia. The Hudson's Bay Company show that part of the payment which Canada and the United States made to Russia was in the form of pelts which were obtained from the Indians. When reading this I could not help being struck by the thought that the wealth of the northern country in fur must be exceedingly great.—A. Yes, Mr. Reid. If you will refer to my brief you will notice that I make reference to the transplanting of marten from the national parks. That is being done in the province of Alberta but at the present time is only being carried on in the experimental stages. I might explain that we have concentrated on beaver and muskrat because they are the only two animals that you can actually count and measure your result. If you see a beaver at a certain place in the fall you know that he is still going to be there the next year. Once the Indian has reached his subsistence level with these two aquatic animals, we plan to branch out to others. As a matter of fact, the Rupert House in Alberta has refrained from trapping marten these past two years. We are now only in the initial stage in that respect.

Q. In the raising of these beaver is any thought given to the ratio of male and females in the harem or flock? I ask the question because if this were done indiscriminately the colony could be weakened. I am wondering what is being done with fur seals. A system adopted by the United States in this regard has resulted in the harem of the fur seals actually increasing.—A. I think you have a difference in the conditions there, Mr. Reid. That is, the beaver and muskrat live in families and are largely monogamic while the fur seals are just the opposite.

Q. Are Indian reservations considered unoccupied lands under the treaty I mean, in so far as the fur animals are concerned?—A. No, Mr. Reid. The Indian reservation lands are considered in a class apart from the treaty and we have never had any trouble with game enforcement on the Indian reservations. However, I think you will realize that in relation to the overall trapping ground the Indian reservation is only a minor factor. In dealing with the trapping ground necessary to support the Indian population we have to deal with thousands of square miles.

Mr. GIBSON: Do you market the beaver skins for the Indians?

The WITNESS: Yes.

Mr. BRYCE: And you spread the payments over twelve months?

The WITNESS: Not at Abitibi, for instance. There they are not out of civilization the year round like they are at the Pas. What we did in that case was to pay them one-third when they came out of the bush in the spring. The second payment will be made this summer and the final payment will be made in the fall.

Mr. REID: Do the game wardens at present supervise game laws?

The WITNESS: Not to my knowledge.

Mr. FARQUHAR: Are the payments made to the individual who trapped the beaver or are they made to the band?

The WITNESS: They are made to the individual. The skins are marketed lots and a report is sent in giving the grade of the skin and the amount realized on it.

Mr. RICHARD: Nothing has been done in the maritimes on that up to the present.

The WITNESS: I might explain here that there has been quite a bit of sentiment on the part of the provinces with regard to going into them. As a matter of fact, we feel that it is better to allow the provincial representatives to come to us. When we meet at game conferences we talk to the provincial representatives and tell them of the work that we have been doing, but, as a rule, the representations come from the provinces.

By Mr. Case:

Q. In a case where there is development in connection with a reservation, who determines who should trap there?—A. The fur advisory committee.

Q. The Department of Indian Affairs?—A. No, the fur advisory committee. It consists of three members, two from the provinces and one from the Dominion.

Q. Would there be any whites included, or just Indians?—A. Do you mean the results of the project or on the committee?

Q. The persons trapping?—A. Oh, Indians.

Q. All Indians?—A. No. In the beaver preserves which we are undertaking now, the administration is in our hands.

By the Chairman:

Q. By "our hands" do you mean the Indian Affairs Branch?—A. Yes.

Q. What are the registered trap lines under?—A. Under the provincial authorities, subject to the recommendations and advice of this fur advisory committee consisting of three members from the administrative staffs of the departments concerned; that is, two from the provincial staffs and one from our department, Indian Affairs.

By Mr. Case:

Q. Now, then, does this fur advisory committee determine how many whites and how many Indians might trap on these developments?—A. Yes.

Q. And how is that determined?—A. Are you referring specifically, Mr. Case, to the muskrat projects?

Q. I want to find out specifically who may obtain the rights and how they are to be used?—A. There again, Mr. Case, there is a difference. The muskrat rehabilitation projects were designed to take care of the resident population of that area and when the crop grew to the extent that the resident population of the whole area concerned could not take care of all them, word was sent out to other districts for additional trappers. Indians comprised a fair proportion of the people brought in from other districts. In the case of the Summerberry project men were brought in from Cross Lake and Norway House.

Q. This advisory committee is charged with the responsibility of determining who should trap on these developments. Suppose I were to make an application. How are you going to determine my right to trap there?—A. The trapping is confined to the residents of the community or to those for whom the project was set up. We have found this system working for the set-up of registered traplines in Manitoba and Saskatchewan; that is, that it is confined to the residents of the area or to those persons for whom the project was developed.

Q. And they would be living adjacent to the project?—A. Yes.

By Mr. Bryce:

Q. You suggest that the project was established for their development. What do you mean by "their"?—A. The residents of the community; that is, the Indians, whites and half-breeds. In the case of the beaver reserves, they are established entirely for the Indian population because there is nobody else there. With regard to the muskrat reserves and registered traplines, we have taken in all the sectors because the provinces have both half-breeds and scattering of whites and Indians. That is why the three classes are included.

Q. You mentioned that Indians came in from Cross Lake and Norway House to the project at Summerberry. Will you tell the committee the proportion of whites, half-breeds and Indians that went to Summerberry?—A. The proportion of the half-breeds was very small. They were almost entirely Indians. I might say that in the case of the Summerberry development, every able bodied Indian took part in the development.

Q. You have not answered my question. How many Indians, whites and half-breeds took part in that project you mentioned? Can you supply the committee with that information because I do not think that is a proper thing.—A. Yes.

By Mr. Case:

Q. Did the provincial governments make a contribution to the development in the first instance?—A. They made a contribution in the form of all the land and a good proportion of the development capital was put up by the provinces.

Q. Did the Department, Indian Affairs, make a contribution?—A. In money only.

Q. Did the people who made up the community make any contribution?—A. You might say they did hard work. They performed the labour on the project.

Q. Did they receive some remuneration for it?—A. Yes.

Q. Now, when you come to determine who should trap there it would be those people of the community who were engaged in the project, would it not?—A. Yes. They would have a priority.

Q. And no one from outside would have the right to go in there at all?—A. That is right.

Q. It is confined to the community?—A. Yes.

Q. How many people of the community might be considered for permits?—A. Well, I think I just referred to an incident where they had to send out to Cross Lake and Norway House for Indian trappers. That is probably because they could not get enough trappers in the community itself.

Q. Would all the men of a community be eligible to apply for trapping permits?—A. Superficially, yes. However, there have been certain abuses under the system. For instance, a man taking a party and going out on the market to trap.

Q. How do you determine who is to trap?—A. They have the past record as trappers of all the men, both Indians and half-breeds, who held trapping licences prior to the development of the project. Together with those who assist on the project they are the first to be given consideration.

Q. Do you make any allowance for those persons who made a contribution to the development?—A. The individuals?

Q. Yes, the individuals?—A. I think I just mentioned, Mr. Case, that they are the first to be considered.

Q. They have first priority?—A. Yes.

Q. The yield from this development amounts to quite a sum of money, does it not?—A. Yes.

Q. And how is that divided?—A. The rats are sold in Winnipeg by auction. That is, no private buyers handle them, and the average price realized is divided over the number of trappers according to the number of rats each one caught.

Q. In relation to the number of rats the individual trapper caught himself or what the community caught?—A. In relation to what the trapper himself caught. I might say that his catch is limited by a quota. He is not permitted to catch all that he can get.

Q. What is the quota?—A. I think it is 225 rats.

By Mr. Bryce:

Q. Had you any Indians come over from St. Peter's?—A. No. It is quite to the south.

The CHAIRMAN: Mr. Bryce, you said a little while ago that there was something that was not right according to your idea. What was that?

Mr. BRYCE: I do not think that this scheme should include the white man. I think it should be for the Indians themselves. I agree with what is being done to give the Indians a steady income twelve months of a year, but you have different orders and men in different phases of life getting licences to trap. I think Mr. Conn will explain to the committee here that it is because of the arrangement that has been made and which the provincial government insists upon in giving trapping rights to other people.

The WITNESS: The number of men such as bartenders is a negligible factor.

By Mr. Bryce:

Q. There are still a few depriving the Indians of a living.—A. No, because the Indians of the district are taken care of.

Mr. MACNICOL: I have been listening to Mr. Case asking questions and Mr. Case answering them and I gather that Mr. Case was talking about Norway, 150 miles or more away from Summerberry where Mr. Conn was talking about it; or, were you talking of the two areas at the same time?

The WITNESS: Both.

Mr. MACNICOL: They are not the same at all.

The CHAIRMAN: The question was a general one.

Mr. MACNICOL: The Summerberry area is purely a separate one.

Mr. GIBSON: Did you say that each trapper is allowed a quota of 225 rats?

The WITNESS: Yes.

Mr. GIBSON: That is not much, is it?

The WITNESS: Oh, yes. The rats brought in an average of \$3.40 last year.

Mr. MACNICOL: I would like to ask Mr. Conn a few questions on what was said at the last meeting when he was before the committee. Just before Mr. Conn retired at that time I started to ask him some questions with regard to the splendid work of Tom Lamb in northern Manitoba. I am now going to ask a few questions on that topic.

Q. Did the department reimburse Mr. Lamb for bringing in pumps to water the watering of the dry swamps on the Summerberry area?—A. No, because his pumps were used on his own ranch which he still operates.

Q. But it seems to me that he should be reimbursed for the whole scheme?—A. No, I do not think so.

Q. I suggest that neither the department nor the Manitoba government have thought of it?—A. As a matter of fact, Mr. MacNicol, we have found it useful to us.

Q. You stated at the last meeting that the watering of the swamps did increase the production of rats, and it would seem to me that it would. For instance, you take the marsh in the Summerberry area and you find that in summer it is dry. Now, unless water was pumped into those swamps the marsh would die. That is why Tom Lamb put the pumps in there.—A. That is on the marsh, but we have never encountered the same conditions on the

Summerberry. I mentioned in my brief that the Hudson's Bay Company pumped at Cumberland House, and I might say that on a straight dollar a cents basis they were not too well satisfied with the procedure. They estimated that the water cost more to be pumped in than the revenue derived from the rats afterwards.

Q. But the evidence in the report is that it was to the contrary of that. The number is thousands and thousands to what we got before, and it would seem quite plain to me,—you have been there, of course?—A. Yes, sir, I have.

Q. Well, you have 50,000 acres of land between the Summerberry and Head river, which really forms an island. That land is now producing many rats and those rats are there as a result of pumping water into the marshes. I might explain, Mr. Chairman, that the Saskatchewan River, when it enters the Summerberry area it meets two rivers. The natural effect of the rivers on the land is that they have made banks for themselves. I presume that these banks are sixty feet high. When you get up and walk over the top of the bank in September you are on dry land, but it is actually a marsh. That is, when the waters are flooded in during late July and August, that land over the bank of the river becomes a marsh with two or three feet of water. That is where the rats are. However, when the river lowers its level the marsh becomes dry land and the rats die for the want of water. Now, this capable man, Mr. Tom Lamb thought of the idea of pumping water over the land and as a result of that the rats have come back again in large numbers. I cannot conceive of a man on the south side of the Head River and the Saskatchewan River not having required water to be pumped into that land.—As I mentioned the other day, Mr. MacNicol, I regard that pumping process as an adjunct to be used in an emergency. Actually, we have never found the necessity of it. We have always managed to get enough water in during spring.

Q. Then you have pumped the water into little lakes have you?—A. Yes. I think I showed that in the brief by the 7½ foot deep inlet that is used on the Two Island portion of the Summerberry. We get enough water from that source and do not have to resort to the pumping system.

THE CHAIRMAN: You are referring to the pictures that were appended to that brief?

THE WITNESS: Yes.

MR. MACNICOL: I have pictures many times the size of those. I took them myself. Those pictures which you have with the brief do not cover the Tom Lamb pumping outfit.

THE WITNESS: Mr. MacNicol, I am a great admirer of Tom Lamb. I was talking to him in July—

MR. MACNICOL: Well, I am not asking that he be paid. I was just wondering if the government did pay him. At page 701 of the minutes of proceedings, 25 July, I said that I had not heard Mr. Conn make any reference to Tom Lamb having introduced the beaver into northern Manitoba. Mr. Conn replied, I think, Mr. MacNicol, it might be a more accurate statement of fact to say that Tom Lamb reintroduced the beaver into the Summerberry section of northern Manitoba. My next question, Mr. Conn, is: was there ever any beaver there?

THE WITNESS: Oh, yes.

By Mr. MacNicol:

Q. What happened to them?—A. As was the case in a great many other districts of Canada they were exterminated. The very thing that makes the beaver valuable in propagation makes them equally vulnerable in trapping. They are there all the time.

Mr. MACNICOL: Lamb reintroduced the beaver into the Summerberry, Mr. Chairman, and it was quite a job to keep them living throughout the winter. The beaver came from New York State and it was necessary to cut in a certain quantity of wood for so many months in order that the beaver would not starve to death. When they came out in the middle of the winter looking for food, Lamb cut a hole in the ice and put wood there for them. Now, I was going to ask this question: as those beaver have gone all over that area up as far as, I am told, Cumberland, has Tom Lamb ever been prosecuted for that?

The WITNESS: I do not think that Mr. Lamb could lay any claim to prosecution for the beaver which he put on his ranch because the descendants will still be on his ranch.

Mr. MACNICOL: And they have gone all over the country?

The WITNESS: I do not think so, Mr. MacNicol. They would not last long once they got off his ranch.

Mr. MACNICOL: I was informed that they had gone a good distance up the river towards Cumberland House?

The WITNESS: I do not think so.

The CHAIRMAN: Has Mr. Lamb made any claim?

Mr. MACNICOL: I do not believe so. At the last meeting I also asked Mr. Lamb a question about the Sipanok area. I said, "You did not mention the Sipanok area. On another occasion I would like information on that." Mr. Lamb's reply was, "The Sipanok is one of the two small areas in Manitoba, the other which I have referred to is the Sasipwan." The Sipanok is not in Manitoba, it is in Saskatchewan.

The WITNESS: Yes, that is correct. I have that change marked in my notes. I said "Manitoba" I stand corrected. With regard to the Sipanok I might say that the main structure on the Sipanok channel has been built but we cannot close it for its full effectiveness until we get some dykes in on the side of the river to hold the floods back. That portion of the project is going to be delayed for more than a year because we have not been able to get a drive with a big enough bucket to do this work.

Mr. MACNICOL: For the information of the committee, Mr. Chairman, the "Sipanok" means cut-off. The channel was originally caused by the Saskatchewan River overflowing its banks and flowing into the Chimahawin. The federal government is now controlling the flow through the channel, is it not, Mr. Conn?

The WITNESS: That is the main structure to which I referred.

Mr. GIBSON: I was very much surprised at the prices of muskrats. I hope you are not projecting your plans on the assumption that those prices are going to stay that way because that is a very good price.

The WITNESS: Well, it is not intended that this work lasting for three weeks will sustain the men. It is merely a subsistence.

Mr. GIBSON: You say that the quota for each man was 225 rats. Might it have been better to issue fewer licences but to permit the Indians who had no trap, say, 500 rats this year and keep a back log for when the rates go up?

The WITNESS: As I understand it, your question calls for two answers. First, we are not here to limit the number of licences we would have the problem of who is to be permitted to trap. Another thing is that we have already created a plan and we have enough on hand now in the case of either a crop failure to carry our trappers over two years.

Mr. GIBSON: Is that out of the 20 per cent?

The WITNESS: It is out of the amount that is paid to us on behalf of Indians.

Mr. RICHARD: The Pas Indian development has been growing by leaps and bounds. Is it possible to make a fair estimate of the potential possibilities of this development, say, in the course of the next few years—ten years or more?

The WITNESS: The development of the Pas has reached close to maximum. I would not say it has reached the ultimate in rat population but it has reached pretty close to full development.

Mr. GIBSON: You mentioned crop failure. Would there be an epidemic of fever among them?

The WITNESS: No. There is a periodic one among the wild ones but we have come to the conclusion that it is on a very wide scale.

Mr. RICHARD: What is the estimate of the number of rats you can keep on any given acreage?

The WITNESS: We have no estimate of that.

Mr. RICHARD: I was thinking of beaver when there was a good quantity of wood and water. Under those conditions how many acres would it require to keep a colony?

The WITNESS: That is one thing which we really have not worked out because in these marshes there are sections that are non-productive. You may find rock islands or patches of muskeg and we have not separated the active from the inactive and nonproductive acreage.

Mr. REID: Is there any study of what area supported a certain number of beavers there was no interference by man, compared to the areas such as preserves, which are now assisted by man?

The WITNESS: In the case of the Summerberry we had wide seasonal fluctuations. We had a record as high as 200,000 but in the opposite direction production dropped to 6,000. We have a level 225,000 to 250,000 which is slightly higher than the best production under natural conditions.

Mr. REID: I notice that in one of the great canals that they dug in the State of Washington for agricultural purposes it was only in use three or four years before the muskrats themselves began to invade it with their colonies. At the present time there are great colonies of muskrats in these channels. The vegetation seems to be right for them.

The WITNESS: Yes. You have the two necessary conditions, a good water supply and food supply.

Mr. LICKERS: Did any of these projects, about which we have been speaking, take in any Indian reservations?

Mr. MACNICOL: They are all Indian reservations from the Pas down to Cedar Lake; perhaps not reservations, but land occupied by Indians.

The WITNESS: I think you are mistaken there, Mr. MacNicol. It consists of provincial lands.

Mr. MACNICOL: I said, occupied by Indians.

The WITNESS: What I mean is that the marsh areas to which Mr. Lickers refers are not Indian land.

Mr. LICKERS: They are on government land?

The WITNESS: Yes.

Mr. LICKERS: I am wondering as to your method of conservation here. Are the Indians satisfied with that method to recompense them for the loss of hunting rights under the treaty?

The WITNESS: I believe you are referring to the registered traplines. Mr. Lickers. In the first place I showed you that under the Provincial Game Act

ty rights are practically non-existent, but I will say that where we have instituted these new methods the Indians have voluntarily and of their own free promise to stop killing fur bearing animals for food and that they would, as far as possible, help us preserve these animals.

Mr. LICKERS: Are any of the game preserves which you are now establishing set up on land which was surrendered under the treaty referred to on page 2?

The WITNESS: Yes. The registered trapline program I referred to in Manitoba takes in a great deal of this treaty land.

Mr. LICKERS: In that case, then, you are only giving the Indians the rights which they had under the treaty.

The WITNESS: No, Mr. Lickers. We are giving the Indians exclusive rights. I mentioned the other day, in no treaty were there ever any terms that provided that the Indians had exclusive rights, and what good would the rights be if there was nothing there to trap?

Mr. LICKERS: Do you mean to say that at the time the treaty was made—treaty No. 5—there were no animals there to trap?

The WITNESS: I am not referring to the time of the treaty, nor am I attempting to defend the previous deals that the Indians have gotten under these treaties. What I am trying to get across to the members of this committee is that under the fur conservation work we have substituted something that is better than these treaties, and the Indians themselves are satisfied to accept it.

Mr. LICKERS: You were talking about the difficulties that you had with the provincial governments in connection with these projects. Would you agree with me when I say that the difficulties which you are now encountering with the provincial governments are as a result of the failure by the federal government, at the time the different provinces came into confederation, properly to preserve the Indians their rights to hunt and fish as given to them under their treaties?

The WITNESS: I believe that statement is correct, Mr. Lickers. I could go a step further and say that the same thing could have been done at the signing of the National Resources Agreement in 1930.

Mr. LICKERS: Yes, and if it had been done then you would not have the difficulties you are facing now?

The WITNESS: I believe I mentioned that in my brief. Incidentally, Mr. Lickers, when I was discussing these difficulties we have had with the provincial authorities I was dealing with the past and what happened at the time we started the fur conservation movement. We have very little difficulty in reaching agreements with the provincial authorities now.

Mr. LICKERS: In your broad plans for the future are you making any provision for the Kenora area?

The WITNESS: I may say that we got off to a fresh start with the Ontario government only two weeks ago. The proposal that we are now considering is for the whole Patricia district in a plan similar to the one we have in Manitoba. The Patricia district is the isolated section of the province. We are also going to make a review of the registered trapline system in Ontario.

Mr. LICKERS: It might be well if the committee were told what your entire plan for the future is.

Mr. REID: Coupled with that question I feel that the committee should have information before them, Mr. Chairman, as to the allocation by the provincial governments of traplines and game preserves in connection with their use by the Indians. I notice that on page 699 it reads, "In accordance with this, the provincial government, by simply designating any area of the province, or by so doing, for that matter, a game preserve or registered trapline district can rule

that the Indian has no right of access and has therefore no special rights under his treaty". I feel that the committee should have some information as to how each province defines the Indians' rights with regards to traplines and reserves.

Mr. BRYCE: I have a question to add. When you make your explanation Mr. Conn, you may answer the three questions at the one time. The Indians have felt that it was their right to find food and yet we have them jailed for shooting duck or goose because it is against the Provincial game law. It is something which we have to make clear to the Indians. They sincerely believe that they have a right to this food, and then the provincial government says no and puts them in jail for this.

The WITNESS: I agree with you. I think I went to some length the other day in sketching the Indian problem and I tried to make two points clear. It was that these acts of the provincial legislature have never been tested in the Supreme Court of Canada. In the case of *Rex vs Wesley*¹ we have a decision for the Indians. In the case of *Rex vs Commanda*², Justice Greene's decision given in Ontario was the opposite. These decisions have never been tested, if we can extend our program I do not see any necessity of testing them because we will be substituting something better.

Mr. REID: In the National Resources Agreement, which I now have before me, it says: "In order to secure to the Indians of the province continuance of the supply of game and fish for their support and subsistence Canada agrees that the laws respecting game enforced in the province from time to time shall apply to the Indians within the boundaries there provided, however, that the said Indians shall have the right, which the province assures them, of hunting, trapping and fishing for food at all seasons of the year on all unoccupied Crown lands, and on any other lands to which the said Indians have a right of access. With regard to food does that not mean that the Indians would have the right to take the food whether it was on occupied lands, Crown lands or anywhere else?"

The WITNESS: That is exactly the point, Mr. Reid. What I endeavoured to do was to give you the treaty and show how it was narrowed down by the National Resources Agreement and further narrowed by the Provincial Game Act, and to draw attention to the fact that the validity of it has never been tested. It was my intention to leave you gentlemen to decide whether the validity of it should be tested or not.

By Mr. MacNicol:

Q. Mr. Conn, is there not an Indian reserve on Moose Lake in the Summerberry area?—A. Moose Lake, Mr. MacNicol, is in the general vicinity of the area but it is not in the Summerberry area.

Q. There is a reservation there?—A. Yes.

Q. And the Indians from there work in the Summerberry area do they?—A. Yes. Some trap on Tom Lamb's private ranch and some go on the government land.

Q. Is there not a reservation just where the Saskatchewan River enters Cedar Lake and Chimahawin?—A. Yes.

Q. Do the Indians there work the land too?—A. A few of them.

Q. If I remember correctly the Athabaska flows for about forty miles along the south bank of the Athabaska Lake, and in all that area may be four rats. One agent told me there that he had sold rats to the value of \$400. That was for a one-year period, and that figure represents a great many rats. What does the department do for the conservation of rats in the Athabaska?

¹1932, 4 D.L.R. 744;

²1939, 3 D.L.R., 635; See also *R. v Rodgers*, 1923, 33 Man. R. 139.

—A. The Athabaska delta is the next step in our conservation program. The Athabaska delta we have both Indian and provincial lands. We have progressed so far to the stage where we have a complete report on the Indian lands, and we are now having discussions with the province as to the development there.

Mr. REID: I feel we should have it clear as to the rights of the Indians to animals for food.

The WITNESS: As far as killing for food is concerned, I have found in getting around and visiting game wardens that in general the Indians are given a break. I have been told that those who are brought before courts for having killed deer out of season are old offenders. Of course, if an Indian lives up the main street of a town with moose meat out of season the game warden must act.

Mr. BRYCE: Do not the Indians think that they are in the right?

The WITNESS: Exactly. That is one of our basic problems—to educate the Indians as to what his position is.

Mr. REID: But he has the right to kill for food. As a matter of fact, any Indian has the right to kill game out of season for food. There is no law against that. If I were in the wilds I would have the right to kill animals if I required

Mr. RICHARD: Out of season?

Mr. REID: Yes.

The CHAIRMAN: What I understand Mr. Reid to mean is that there is no legal obligation to refrain from killing animals for food if it is necessary to do so in order to maintain human life.

Mr. REID: I suppose the trouble is that so many get around this by saying they wanted the animal for food when they did not want it for that purpose?

The WITNESS: Yes.

Mr. RICHARD: What is the right of the Indian in that regard? Does his right override all provincial game laws?

The WITNESS: That is a thought which I wanted to leave with this committee the other day.

Mr. REID: In British Columbia the Indians have the right to come down and take the Sockeye salmon. We have not tried to interfere with that practice.

Mr. FARQUHAR: They would interfere with that in the province of Ontario whether or not it was for food. The fact is that if they shoot deer out of season they are fined.

The WITNESS: That was Mr. Justice Greene's decision in 1939. We have a opposite ruling made in Alberta in 1932.

Mr. FARQUHAR: In this plan that you are working out, to what extent have you applied this to the province of Ontario?

The WITNESS: Very little. We have two reserves in Ontario, the Kenagami and the Albany with a total of 21,000 square miles. In addition to that we have quite a number of registered traplines in Indians' names. As I said before, we are now considering the application of this plan to the whole of the Patricias tract; that is, everything north of the main line of the C.N.R., which would amount to close to 200,000 square miles and 11,000 Indians.

Mr. MACNICOL: Are you starting right at the C.N.R. line?

The WITNESS: Yes.

Mr. MACNICOL: There is one final question that I would like to ask you. What are you doing to control the rat industry at the mouth of the Mackenzie River in the mouth of the Mackenzie delta?

The WITNESS: That does not come under our jurisdiction, but I understand that at the present time there is a great wealth in the number of rats and the prices obtained for them. Apparently they hit the top of the scale.

Mr. MACNICOL: It is a splendid area for rats. It should be protected by somebody.

Mr. REID: There is a question that has come to my mind since we started sitting here. Generally speaking, are the Indians poorer to-day than they were 25 years ago? The reason I ask this is because of the fact that glib statements are made about "poor Indians". However, you can say that about our own people too. For instance, I could take you to quarters where our own people live and you would find the conditions appalling. I could take you to Indians who make more money than members of parliament. Are Indians as poor as some people make them out to be? Are they as poor as they were 25 years ago? Are they poorer than when the treaty was signed? I am not going to delay the committee on this question now, but sometime in the future I shall, because I have read of instances where whole tribes have been wiped out by starvation before they had any contact with the white man. I would like a general statement giving information as to a comparison of the Indians to-day and 25 years ago, because I am disputing any statement that they are in a poorer position now.

The CHAIRMAN: Mr. Conn, would you like to comment on that.

The WITNESS: I can say that among the Indians that live 200 miles or more back from the track, we still find the most abject poverty.

Mr. REID: But white men have improved the conditions?

The WITNESS: In certain cases, yes.

Mr. LICKERS: It is generally conceded that the Indians at the present time are in a better position than they were, say, 50 years ago. However, since coming in contact with the white man we have not made the progress which we could make, or in comparison with the progress that our white neighbours have made.

Mr. REID: That is a reasonable statement.

Mr. MACNICOL: Or in comparison with what the coloured people have made.

Mr. BRYCE: I believe that in my own constituency the Indians are as well off and are good respectable citizens. However, on the fringe of civilization where the white man has gone and deprived the Indians of their fish and furs they are worse off than they were. Their standard depends on the environment in which you find them.

Mr. REID: Are there not tribes of Indians in the north lands of British Columbia and in the Northwest Territories who are living the life they did 25 years ago? They have had no contact with the white people and are nomads and if they have deteriorated they cannot blame that on the whites. The whole Indian question is a great, wide one and one statement can not be made that would apply to all Indians. I believe there are tribes in the great north who are so far away that they see a Northwest Mounted Policeman only once a year, and whatever their condition is they cannot blame any of us for it.

The WITNESS: I believe I mentioned the other day that if there are areas to which the white man has not penetrated, they have not been heard of.

Mr. REID: I can show you a place in northern British Columbia where a ship goes in only once a year. The Indians there are living close to the Eskimo.

The WITNESS: The people I am working with on the Quebec projects are living right next to the Eskimo and there is not a white man in the district now but they were there 20 years ago and cleaned out all the marten and the beaver.

The CHAIRMAN: Gentlemen, we have now reached the end of our period. Mr. Conn will not be able to come back for any further meetings. On behalf of the committee I want to thank him for the very informative and interesting brief which he has presented here, and for the courteous manner in which he answered all questions. I want to thank him for the information which he has given us. I know it will be very valuable to this committee.

The committee adjourned to meet on Tuesday, August 6, next at 2 o'clock p.m.

SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 19

TUESDAY, AUGUST 6, 1946

WITNESS:

r. Oliver M. Martin, Magistrate, County of York Court, Toronto, Ontario.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946



MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

TUESDAY, August 6, 1946.

The Special Joint Committee of the Senate and the House of Commons pointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2.00 o'clock p.m. The Joint Chairman, Mr. D. F. Brown, M.P., presided.

Present: The Senate: The Honourable Senators Fallis, Horner, Macdonald (Cardigan).

The House of Commons: The Honourable Mr. Stirling and Messrs. Mackmore, Brown, Bryce, Castleden, Charlton, Farquhar, Gariépy, Gibson (Mox-Alberni), Harkness, MacLean, MacNicol, Matthews (Brandon), (Wright), Reid.—15.

In attendance: (Department of Mines and Resources): Messrs. W. J. Ford (Att); R. A. Hoey, Director, Indian Affairs Branch; Eric Acland, Executive Assistant to Director; B. F. Neary, Superintendent, Welfare and Training; N. L. Phelan, Chief, Training Branch; M. McCrimmon, Trusts and Reserves; Kehoe, Lands Division, Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

The Chairman announced that at the meeting called for Thursday, August 8, W. C. Ronson, Assistant Deputy Minister, Department of Finance, will appear for questioning; that the meeting on Tuesday, August 13 would be in camera for the purpose of considering the Report of the Joint Committee to Parliament; that no further activities had been planned for the 1946 Session.

The Chairman informed the Committee that the Clerk of the Committee would make a survey of members who would be asked to answer three questions:

(1) Is it your intention to visit Indian Reserves in or near your Division or Constituency during the coming recess;

(2) Would you be available to sit in Ottawa two or three weeks immediately prior to the opening of the 1947 Session;

(3) Would you be available to visit the maritimes and eastern Quebec during October, November, 1946?

On the answers to the above questions will depend certain recommendations contained in the Final Report.

Mr. Oliver M. Martin, Magistrate, County of York Court, Toronto, was called, made a statement, was questioned thereon and thanked by the Chairman for the "interesting presentation", and was excused from further attendance before the Committee.

The Committee adjourned at 4.00 p.m., to meet again on Thursday, August 8, at 2.00 o'clock p.m.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

August 6, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act, met this day at 2 o'clock p.m. Mr. D. F. Brown, M.P., (Joint Chairman), presided.

The CHAIRMAN: We have to-day as our witness Brigadier Martin of Toronto. Before proceeding with the witness, however, I think I should let you know what we have in mind for the future. On Thursday of this week it is proposed to have Mr. W. C. Ronson here from Treasury Board to answer some questions that have arisen in the minds of members of the committee.

Next Tuesday it is proposed we have a meeting in camera for the purpose of considering the report which will be presented to the House before the conclusion of the present session. We have nothing planned beyond next Tuesday, and it is hoped that our activities for this session will cease shortly after that date, if not on that date. The subcommittee on agenda and procedure has also been discussing the motion made by Senator Fallis at the second last meeting of this committee with respect to inter-session activities. Mr. McEvoy, the clerk of the committee, will be making a survey to ascertain what members will be available for inter-session activities. In due course he will communicate with you and you will be asked to answer three questions. They are:—

1. Is it your intention to visit Indian reserves in or near your division or constituency?
2. Would you be available to sit in Ottawa two or three weeks prior to the 1947 session?
3. Would you be available to visit the maritimes and eastern Quebec during October and November of 1946?

On those questions you will be asked to answer yes or no. If we get a majority answer on any one of those questions we will make a recommendation accordingly.

Mr. HARKNESS: That last question should be "October or November," not "and," should it not?

Mr. CASTLEDEN: I think not.

Mr. CHAIRMAN: I suppose we could say "and/or" November.

Mr. HARKNESS: My idea was that I did not think there was any anticipation of spending two months there.

The CHAIRMAN: We would visit during the months of October and November. It would not be in September or December, but my thought on the subject would be that the visit should not last longer than two weeks. That two weeks could be some time between the first of October and the last of November. Is that clear?

Mr. HARKNESS: Yes, it was merely to clear up that point.

Mr. CASTLEDEN: Does that take in Quebec as well?

The CHAIRMAN: Eastern Quebec, merely on the fringes of Quebec. Of course, it will depend on whether there are sufficient members who are interested. When, of course, we have to make our recommendation to both Houses for authority. If there are no further questions we will proceed with the witness.

Mr. CASTLEDEN: There is also my notice of motion.

The CHAIRMAN: Yes, and there is another notice with respect to addition to the subcommittee. That is now being considered; the subcommittee has forgotten it. Of course, I might tell you that we hope that this present session will be terminated very shortly, and whether or not at this late date we should proceed with those two motions we will have to decide a little later, at an early meeting. If it is your pleasure I will call on Brigadier Martin to come forward.

Brigadier Oliver M. Martin, Magistrate for the County of York called.

By the Chairman:

Q. Brigadier Martin, I believe you are first of all a full blooded Indian.—A. I am an Indian; whether it is full blooded or not I do not know.

Q. You are an Indian?—A. I just do not like this term "full blooded Indian." We find it used all over the American continent. Why should we not call me a full blooded Englishman? I do not think it is a good idea.

Q. The term has arisen here. I think you will find that our committee is desirous of seeing that there is no such thing as this hyphenated Canadian or that hyphenated Canadian or any other kind of Canadian. We are Canadian.—A. That is right.

Q. And I believe that it is a purpose of this committee to recommend eventually some means whereby Indians have rights and obligations equal to those of all other Canadians. There should be no differences in my mind, or anybody else's mind, as to what we are, because we are all Canadians.—A. I would rather put it that I am a Canadian of Indian ancestry.

Q. I think we agree. Secondly, you have had some experience in the army?—A. Yes, quite a lot.

Q. And you have attained the rank of brigadier?—A. That is right.

Q. You have been in charge of large forces of Canadian soldiers?—A. Yes, that is right.

Q. Then, too, you have attained the high office of magistrate in the city of Toronto?—A. Magistrate, in the county of York.

Q. You are stationed at Toronto?—A. Stationed at Toronto.

Q. And there you are called upon to administer the laws of the province and the dominion?—A. That is right.

Q. So that I think we can modestly say you have quite a wide experience in and knowledge of the affairs of Canada?—A. I have a fair experience.

Q. And you have knowledge, of course, of your own ancestry?—A. Yes.

Q. And you can probably give us some valuable information which might be of assistance to this committee in our work in examining and considering the Indian Act?—A. I hope to do so.

By Mr. MacNicol:

Q. Would Brigadier Martin mind telling us to which tribe his people actually belonged?—A. We belonged to the Mohawk tribe of the Six Nations Indians.

Q. I wonder if Brigadier Martin would like to tell the committee in the beginning his ideas as to his own survey of this problem. I do know he has made quite a survey. Then we could ask questions, or do you want to ask questions now?

By the Chairman:

Q. Can you tell me if you have a submission that you would like to present?—A. When I got the invitation last week I sat down and wrote out what I thought might be the more sensible way of putting the problem.

The CHAIRMAN: I think if it is your pleasure we will ask Brigadier Martin to make his presentation. Then we will ask questions after he has terminated his presentation. Probably you would not object to questions being asked then?

The WITNESS: Not at all.

By Mr. Bryce:

Q. Has he got copies of the statement?—A. No, I have not.

By Mr. Castleden:

Q. Have you ever lived on a reserve?—A. Oh, yes, I was born there and lived there until 25 years ago.

Q. But not within the last 25 years?—A. Oh, I go back on frequent occasions. My mother is still there.

Q. What reserve is that?—A. That is at Brantford, the Six Nations.

The CHAIRMAN: Just proceed, please.

The WITNESS: Mr. Chairman, Mrs. Fallis and gentlemen: First of all I want to thank you for inviting me to be here to-day. I feel it a very high honour to appear before you on behalf of the Indians of Canada, and I hope what I have to say may be of some assistance to you in the difficult task which lies ahead of you. Whatever I may say does not mean to point to any person in particular, but I hope what I do say will give you a general idea of the Indian's viewpoint in connection with this question.

There is one thing I should like to correct, first of all. I note on page 118 of the minutes of proceedings that I am spoken of as one of the most outstanding authorities on Indian affairs in Canada. I do not know how that idea came about, and can only say that perhaps it is because of the fact that during the past years, whenever I had the opportunity, I have spoken frequently to service clubs, church groups and other organizations in behalf of a better deal for Canada's Indians. I do not claim to be any authority, but I have always been deeply interested. I have taken every opportunity to assist the people of Canada towards a sympathetic understanding of the Indian, and have done what I could to show the Indian that his future welfare and well-being depend, in the initial instance, on himself. I want to say that I have learned more about Indian affairs since reading the minutes of your proceedings than I ever knew before, except knowledge of the Indian himself and his reactions and ideas in connection with the Indian Act and its administration.

I do know the Indian because I am one of them, as I told you before. I lived on the Six Nations reserve. My home was there, until 25 years ago, when I became enfranchised after the first great war. Just as you, whose ancestors come from Great Britain, fight to retain the union jack as part of our Canadian flag, and just as you, whose ancestors came from France, wish to retain some symbol of your ancestry in our national emblem, so I, a Canadian, am deeply thankful for this opportunity to say something to this distinguished group of legislators from the Senate and the House of Commons on behalf of my racial group which has played no small part in the development of our country. I am not, however, going to suggest to you that crossed tomahawks be placed on our flag. But what I do hope is that the result of the work of this committee will be such that our distinctive new national Canadian flag, which I understand is to come, will forever be a symbol to Canadians of Indian descent that their freedom was restored to them when that flag was born.

During the great war I was for a time an officer in the 107th Battalion from Manitoba, and in that battalion were Indians from Saskatchewan, Manitoba Ontario and Quebec, about 450 all told. In the war recently ended there were quite a number of Indians in units of brigades in areas which I commanded and I was privileged to associate with and visit Indians on quite a number of reserves in British Columbia during the year and a half when I was stationed on the Pacific coast. I have also visited some reserves in Quebec and the maritimes. I tell you this to let you know that my knowledge of Indians is not confined only to the Six Nations group. Indians vary, of course, to a mixed degree across Canada, in appearance, manner of living, educational accomplishments health standards and religious attachment; but they have one thing in common and that is an antipathy towards the Indian Affairs Branch, more especially among the older people. It is most unfortunate that this is so, because the opposite should be the case. In looking for the reason for this feeling of distrust and, in some cases, active antagonism which the Indian feels towards the branch and its officials, if I tell you a few things which took place between certain officials of Indian Affairs and my immediate family, and myself personally, you will perhaps see why Indians feel as they do, and I hope you will be more willing to show patience—which you are going to require—and sympathy, towards these Indians and groups of Indians who may appear before you during the coming months. My father was an industrious man—

By Mr. MacNicol:

Q. Pardon me there. I did not catch that. What did you say about your father?—A. My father was an industrious man. Besides working a small farm of some 50 acres, he was a carpenter and builder and occasionally got contract for the building of schools, bridges and culverts on reserves. We were several children in our family, four of whom he sent off the reserve to high school and one to a hospital in Greenwich, Connecticut—my eldest sister—to train as a nurse, with the result that he was unable, with all these obligations, to accumulate any money. Therefore whenever he was awarded a contract, it was necessary for him to make an arrangement with a Brantford city merchant, through the Indian agent, to supply him with materials and cash for his work, to be paid back when the cheque came through, as it eventually did, in payment for the completed job. In order to do this, he had to sign an undertaking that he would endorse the cheque, when it came, over to the Indian agent, who would pay the merchant and return him the balance. It was all right, and it worked out satisfactorily for a time. This went on for a while and my father got to the point where he trusted the agent. During the summer of 1911 or 1912 he got a larger contract than usual, for building a reinforced concrete bridge which took some two or three months to complete. In due course the work was done. The cheque came along. The accounting was made with the merchant showing that my father had a balance due him of \$1,600. The cheque was endorsed, and when he called for his money a day or so later, he was given \$1,100 only, with the explanation from the agent that somewhere a mistake had been made. When he demanded to be shown where the mistake was, he was put off, time after time, and never was shown to the time of his death. To get contracts, you have to what is commonly known as “play ball” with the Indian agent. In those days, although the council of the Six Nations awarded the contract, the agent had to approve and recommend it to the then department before it was finally granted by them. I am not at this late date accusing that agent of theft. I intend only to show how some agents disregard the obligations which they should have towards the people they are expected to instruct and guide.

In the early 1900's the Six Nations Council spent a great deal of money in legal fees paid to lawyers for services of one kind or another without getting any satisfaction with the result that after days of deliberation over a period of months they concluded that the only way they might hope to achieve anything would be to send some of their own people to take up the study of law. The Council at that time was under the old system of government by hereditary chiefs as formed by the Iroquois League. Fine men they were, for the most part—good orators and forceful characters. There were some sixty chiefs then in the Six Nations Council with long experience in governing their people.

In 1913 or 1914, I'm not sure which year it was, the council, without a dissenting voice, passed a resolution to select two boys to attend Upper Canada or St. Andrew's College, the University of Toronto and Law School to take up the study of law. The expense of their undertaking was to be paid for from the interest money—which was their own—and which amounted to several thousand dollars annually paid to each member of the band. The people were willing to give up their interest money for that purpose and so expressed themselves. The boys were selected and the resolution was forwarded to the Department of Indian Affairs at Ottawa for approval. The Department refused to sanction this expenditure and so far as I have been able to find out gave no reason for its refusal. I was one of the boys selected—the other was Jim Moses who was killed in action while flying over Germany as an officer in the Royal Air Force.

After the war in 1919 I came to Ottawa to try to get a job in the Department and while here I asked the then head of the department—I believe he was then called Deputy Superintendent-General of the Indian Affairs—why the resolution of our council was turned down and the answer I got was most surprising. "It's no use sending you Indians to school you just go back to the reserve anyway". I later made application for an Indian Agency—I had not yet been re-established from the last war—in northern British Columbia at Hazelton. I never got the job and never got an answer. In the winter of 1921 I was teaching school on the Six Nations Reserve. At that time quite a number of our returned soldiers had bought land on the reserve under the Soldiers' Settlement Act and some of them were unable to continue payments with the result that some of the farms were up for resale by the department. It was apparently one of the tasks of the Indian agent to dispose of these repossessed farms. One April day the agent, accompanied by his clerk, called on me at the school where I taught and asked me if I would take over one of these farms. He knew I had no adequate farm experience, there were no buildings on the farm, the land was poor and covered with weeds. However, it was land and the price was attractive so I agreed to take it providing that I be permitted to rent it and continue with my job as a school teacher. He agreed to my proposal and I took over the farm. The verbal agreement was made in April of 1921. In July—three months after he made that promise to me—I got an official letter from him notifying me that because I had purchased a farm under the Soldier Settlement Act my position as teacher was terminated forthwith and that another teacher had been appointed to take over my school in September.

It was then that I decided to get out of the jurisdiction of that Indian agent. I applied for enfranchisement and, with the help of influential friends I had at the time among the members of parliament in Ottawa, obtained it.

In 1935 my youngest sister came to me in Toronto where I lived, suffering great pain from a lump on her breast, claiming that the doctor at the hospital on the reserve couldn't do anything for her. We took her to the Toronto General Hospital for examination after which the doctor who saw her diagnosed the case as cancer requiring an immediate operation. They kept her at the hospital that day to prepare her, but later on that evening she returned to our home saying that the hospital authorities, after finding out that her home was on an Indian reserve, would not do anything without her first obtaining authority from

the Department of Indian Affairs. I immediately got in touch with the doctor on the reserve by telephone to get, as I thought, the required authority. I know this doctor personally. He is a fine man who would, I know, do everything possible for anyone in need of help but apparently he was helpless because he told me that due to the fact that there was a hospital on the reserve he couldn't authorize an operation in the Toronto General Hospital. She returned to the reserve, where she was operated on some time later, and died—leaving two small children. I am not blaming the doctor—he is a good man who has done excellent work for many years on that reserve—but I do blame the system which apparently requires authorization from Ottawa before any action can be taken, even to meet an emergency of that kind. I am not sure that I am correct in assuming that authority has to be obtained from Ottawa to meet an emergency—I hope I am wrong—but it appeared to me in this case to be true. Of course, she might not have lived even if the best surgeon in Toronto had performed the operation but she should, in my opinion, have been given the chance to live, especially since there was no cancer specialist or qualified surgeon available at the hospital on the reserve.

I note in your minutes that it is said the Six Nations Reserve is the most progressive one in Canada—if that is so—and since what I have told you represents some of the injustice suffered by one family during a quarter century and since the same sort of thing must have been experienced, more or less, by every Indian family across Canada, all through the years since the Department of Indian Affairs was formed—you can see why Indians feel as they do towards departmental officials. I hope, as a result, that you will be more sympathetic towards those Indians who will make presentations to you than you otherwise might be.

On page 413 of the minutes I notice the question is asked by Mr. MacNicol:—

Q. How are Indian agents chosen and how are they appointed, and by whom?

In answer to this question the witness replied that they are appointed by the Civil Service Commission, after examination by a local board. I would like to suggest that the local board goes through the motions and that they are really appointed by the local M.P., if his party is in power; or by the defeated candidate, if his party is in power. I would also like to suggest that that is the chief reason why Indian agents are so often unsuited to the important work they are expected to do. I would further suggest that the director of the branch would have a most difficult time in getting rid of an unsatisfactory agent as long as the government which appointed him remains in power.

I believe that some one, speaking of residential schools, spoke of vocational training being given to boys and girls in attendance. I am very glad that it is being done because that is one of the courses of training which should be available for Indian girls and boys as it is to other Canadian children. I personally know only one residential school. I refer to Mohawk Institute, which I inspected just before the war and found that the vocational training which the children got there consisted chiefly of the girls doing the necessary housework and the boys doing the farm labour and chores around the stables. I hope that is not the type of training which passes under the heading of vocational training in other residential schools because if so, it is of no value in the preparation of children for earning a living after they leave school.

I have a sincere appreciation of the good work that has been done by our denominational residential schools in the past but the time has now come, in my opinion, when the primary education of our Indian children should take place in undenominational day schools. What to do with the buildings now occupied as residential schools should be of secondary consideration.

In the education of Indian children stress should be laid not only on the three R's but on vocational training in preparation for future usefulness as Canadian and on the history of the contribution of the Indian people to the growth of Canada in order to give Indians pride in their race. You can never make an Indian into a white man, any more than you can make a French-Canadian into an English-Canadian, or vice versa; but you can make an Indian a good Canadian and it would not take very long, if the task were undertaken with sympathy and understanding.

In my opinion, every adult Indian should have the right to vote in dominion elections and in provincial elections, without losing any of the privileges which he possesses at the present time. He pays all taxes except the direct land tax. He pays taxes to the province and taxes to the dominion. By virtue of that fact, I maintain, he should be entitled to the right to vote. Of course, like other Canadians he, no doubt, will often not turn out to vote, but he should have the right to do so. You have been told that any Indian may apply for his enfranchisement and by so doing obtain the rights of citizenship. It is really not as simple as it sounds. As an example, I have a brother who has lived off the reserve for the past 20 years, chiefly in the United States. He told me not later than last Sunday that he went to the Indian agent last year to apply for enfranchisement, and the agent refused to give his approval.

I know many Indians who would not consider making application for enfranchisement because they would have to give up their land and their homes on the reserve, and they do not consider that the sacrifice they would have to make would be worth the privilege of voting. They have worked hard under difficulties to clear the land, build homes and develop their holdings until they are now worth much more than they could hope to realize in payment through enfranchisement, which is very little.

Much has been said about poor housing conditions on some reserves. I suggest that a good percentage of you in this room to-day would not have the homes you have, if you were unable to borrow money with which to build them. Indians have to pay cash for most of the things they buy and definitely for building materials for houses and buildings built on a reserve.

On page 464 of the minutes you will see that the total amount loaned to Indians in the whole of Canada for 1944-45 for the purchase of livestock and equipment, the purchase of land and buildings, repair to buildings, construction of new buildings, the sinking of wells and miscellaneous expenditure amounted to the total sum of \$30,652, and only \$6,075 was for the construction of new buildings and the sinking of wells. How can you expect the Indians to have good homes if that year's loans represents a fair example of the average annual assistance they can obtain?

One page 462 of your minutes it will be noted that the Indian Trust Fund has grown from \$2,469,945.69 in 1867 to \$17,096,489.68 in 1946, which represents a growth of over \$15,500,000 in 85 years. It would appear to me that the department has been more interested in creating a fund than in spending money humanely to assist their wards. I note the number of Indians dying from tuberculosis. Housing conditions are responsible.

It used to be said that the only good Indian is a dead one. One does not hear that any more. The conclusion that we can draw, therefore, is that the average Canadian and American has begun to realize that an Indian too, is a human being.

We on this continent, as a whole, know little of the Indian except those we see in illustrated magazines decked out in ceremonial costumes as a background for some advertising campaign or visiting dignitary, or those we come in contact with as guides during our annual hunting or fishing trip in our northern wilds.

In the city an Indian is merged with our teeming thousands. We do not recognize the man in the factory, the doctor on the corner, the waitress in the lunch room, the family chauffeur, the teacher of our children, the barber, or the nurse in the hospital as one of our native Canadians. He is there and he is one of us which is at it should be.

Outside of those whose names appear in history as famous warriors of bygone years, few Canadians know of Indians who have left their reserves and taken an active place among other Canadians. For your information I will name a few of those I personally know who made, or are making, important contributions to our national life. There is George Martin (Oronhyatekha), graduate with honours from Oxford University—practised medicine in London, Ontario—and was several years head of the Independent Order of Foresters, a world-wide organization. His brother, Dr. Peter Martin, a physician in Cleveland, Ohio; and his son, Dr. Ackland Martin, a physician in practice in Copenhagen, Denmark. Dr. Thomas Miller, a consulting physician in Cleveland, Ohio; Dr. George Johnson, a physician and surgeon in Toledo, Ohio; Dr. F. A. Johnson, a specialist in eye, ear, nose and throat, Akron, Ohio; Dr. Thomas Jamieson, specialist in ear, nose and throat, Detroit, Michigan; Dr. Minerva Burke, physician, in Chicago; Dr. Elmer Jamieson, Doctor of Paedagogy, head of the Science Department, North Toronto Collegiate; Mr. Gilbert C. Monture, an engineer with the Department of Mines at Ottawa; Dr. Edward Davis, a physician and surgeon, Chicago; Mr. James Miller, a merchant, Liverpool, England; Reverend Theodore Montour, B.A., B.D., a clergyman. And, among our soldiers in the recent war, I would name Captain A. Y. E. Smith, M.C., Croix de Guerre, Star of Poland, etc., Canadian Infantry; Captain George Smith, M.C., Canadian Infantry; Captain John Stacey, M.C., Royal Air Force; Lieut. James Miser, Royal Air Force; Major Robert Montour, Canadian Army; Lieut. C. Brant, Canadian Army; Mrs. Ethel Montour, historian and novelist, Rochester, New York; Miss Josephine Johnson, Miss Florence Martin and Miss Lillian Styler, nurses; and others too numerous to mention.

Mr. MacNICOL: Did you mention Pauline Johnson?

The WITNESS: I did not mention Pauline Johnson.

Mr. MacNICOL: I would.

The WITNESS: Then I will add, Pauline Johnson, distinguished Canadian poetess. I haven't much more to say, but I should like to express the thought that just as in the army I found the Indian soldier readily assimilable among his companions so I feel that the Indian will gradually assimilate with his fellow Canadians through the gradual process of educational and economic advancement which is sure to come with the passage of years. The sooner he can have a good home, a decent income and a fair education for him the quicker the process of assimilation will be. And that is where the Indian will require some help.

It is my opinion that the Indians of Canada should have some form of representation in Parliament. I know there are many difficulties, but I would recommend that consideration be given by this committee for appointment by the government of an Indian Senator-at-large, which will overcome the difficulty of elections all across the country. I feel sure that such an appointment would do much, not only in giving the Indians confidence in the sincere intentions of this government but would also be a great deal of help in the future administration of Indian affairs. I say this because human nature requires us to be responsible to somebody. I am not saying anything against our present director of Indian Affairs whom I think is one of the best men this department has ever had, but I am speaking only of human beings who have no means of being checked effectively by anybody; and, unless he is a very, very good man things will not go as they ought to go.

Since the Six Nations have now in my opinion reached the stage in their progress where they are able to take definite responsibility in the administration of their own affairs—and I think they have reached that point—I would suggest that the new Act which I hope will result from your deliberations will contain a plan by which that band would, beginning say in the year 1950, be handed over the total amount of their accumulated *interest* money annually to be administered wholly by their Council for the purpose of carrying out all public services on their reserve, such plan to be continued in operation as a measure of self government for them until such time as it is considered they have proven their ability to govern themselves well and completely, at which time they should be paid the whole of their *capital* account and cease to be wards of the government in any sense whatever. The same plan, I suggest, should be made applicable to other bands across Canada, when they are ready for it.

I have spoken a long time; if I can answer any questions, I shall be glad to do so.

The CHAIRMAN: Now, Mrs. Fallis, gentlemen, if you have any questions you would like to submit to Brigadier Martin: we will follow our usual procedure of having each member submit his questions, with required interruptions by other members on the point on which the witness is being interrogated. Have you any questions to submit?

By Mr. Reid:

Q. I have a question which I should like to ask Brigadier Martin. Have you any idea what the situation of the Indians would have been to-day if they had been treated right from the inception of Confederation in the way you have suggested. What I have in mind is this; I was very much intrigued with your statement that later on you would like to see Indians cease to be wards of the state. That gave rise to the thought in my mind that I should like to have your opinion as to what the position of the Indians would have been to-day had they been treated differently?—A. I think I can best answer that by saying this, that twenty-five years ago I was on a reserve and I got away and I managed to get along on my own; so, I think we have been inclined to take too much care of the Indian and not doing it in the right way, without really understanding him. Does that answer your question?

Q. Yes, and I am inclined to agree with your statement. Personally I think that we have been very fortunate in having your statement for the committee. I was just wondering if you had given any thought to what the status of the Indians would have been to-day had no treaties been entered into, and had we treated them differently from the time the country was taken over, or let us say from Confederation?—A. That is a pretty hard question to answer.

Q. You see, the reason I ask that question is because of the situation we have to-day where Indians are wards of the state. And now, the statement which you have made to-day has brought us a lot of interesting information. As I say, I have been wondering, had we treated Indians differently from the time treaties were made with them, what the condition of Indians would have been to-day.—A. I would be inclined to dispute those statements because, after all, the white man brought the Indians many, many things which they would have been centuries—if ever—if he had not come.

Q. Have you any specific reason for advising undenominational day schools to be put into general effect, rather than denominational schools; have you anything particularly in your mind?—A. Nothing particularly, only I think we should follow the same rules with Indians as we follow with all other people in the province or in the country, where everybody has the choice of the school to which he wants to go. Many Indians, as I understand—I am not sure about this—but I understand that if an Indian family lives next to a Roman Catholic school.

whether that family is Roman Catholic or Protestant or follows the native belief, the children go to that nearby school and have to be brought up in that religion. It is not right.

Q. You really believe that with a different and more humane treatment, shall I say, that in a reasonable length of time all the Indians could be taken out from under the care of the state?—A. I believe that definitely.

Q. That is an important statement. You are the first witness who has said that.—A. I believe that definitely. You see, you cannot deal with people if they have their backs up before they ever see you. Now, not many Indians have had the honour of meeting the director of Indian Affairs yet as soon as people speak of the director of Indian Affairs their back is up right away because of what has happened in the past.

By Mr. Castleden:

Q. In regard to that very point, your own experience which caused you to leave the Indian reserve and take out (naturalization papers) was the thing that influenced you: as a fact, you had no voice in your own affairs, no appeal from the decision of the agent?—A. That is right. I left our reserve against the very definite wishes of my father and my mother and all my people. They do not like to see Indians becoming enfranchised because they feel that such Indians are deserting the group. But I was so angered at this agent who treated me, I considered, most unfairly, that that was the reason I got away.

Q. Is there no appeal from the decision of the agent to which the Indian can resort?—A. Not that I know of.

Q. Do you think that in our amendments to the Act we would be well advised to recommend a change so that the Indian himself should have some voice, some avenue of appealing, those decisions?—A. I do.

The CHAIRMAN: Is that the fact, Mr. Hoey; that there is no appeal?

Mr. HOEY: I do not think the point is definitely covered in the Act, but in practice I would say about one-third of the average inspector's time is taken up in answering questions that have been answered by the agent and not answered to the satisfaction of the Indian. That is what our inspectors are for. They go out with no other purpose in mind. It would not do for the department to keep those senior officials constantly in the field. According to present practice, not only do they meet the Indians, but we have the assurance in their reports that they visit every Indian home, meet the Indians in groups with the agent present, and with the agent absent. That is definitely their work. Mr. Arneil and Major MacKay could have assured the committee on that point when you heard their evidence. That is definitely the inspectors' task. I do not know what the policy was in the past of which Brigadier Martin speaks; I can speak only of what is going on now.

The WITNESS: May I make a statement in answer? It is my object to bring the facts before the committee. All the time I was on the reserve the Indian agent came to my place only once, when my father died. I never saw or knew anything about an inspector of Indian agencies; and if they are supposed to do that, Mr. Director, I do not think they are doing their job.

By the Chairman:

Q. That was before 1921?—A. I would doubt if the inspector has ever been to the homes—in any home—maybe not more than one or two homes on the Six Nations reserve.

Q. What you are speaking of now has to do with your own experience prior to 1921?—A. Oh, yes, definitely.

By Mr. Castleden:

Q. I would like to state at this point that I visit Indian agencies in my constituency in Saskatchewan frequently. Actually what you have said about

the attitude of the Indians and of the bands towards the agents and the Indian department exists there, and I am trying to find some means of changing that attitude. As you wisely pointed out, if we are going to solve the problem of the Indians there must be a better feeling between the Indian on the reserve, in the band, and those who have authority over them.

The WITNESS: Might I suggest, Mr. Chairman, how this might be accomplished. I am of the opinion that agents have got to be paid much more than they are now, in order that you may hold out some incentive to good men and that good men will seek the jobs. I am also of the belief that they should have some training—

The CHAIRMAN: You say training. What do you mean by training?

The WITNESS: What I have in mind is training under the direction of the department in Ottawa before they are sent out as Indian agents.

The CHAIRMAN: Do you think that there should be some social service training?

The WITNESS: I think, whatever training is decided upon at headquarters.

Mr. REID: Do you think there is, on the part of the Indians, more suspicion of officials than there is among white people—if I may use the term—in relation to government investigators? I know that the average citizen is loath to say anything in the presence of a government official, whether male or female. The moment one enters his house he becomes silent. I have met men ready to shoot any government agent who might come enquiring about matters relating to settlement, veterans' land and so on, and I am wondering whether that is not just a common instinct?

The WITNESS: My experience of the Indian is that he likes to see a good-natured white man come around and talk to him about his affairs. Further, in answer to the question, I must say that the Royal Canadian Mounted Police are very highly thought of among the Indian people.

Mr. REID: Members of the Royal Canadian Mounted Police force who come in contact with the Indians are picked by the Department itself. You cannot expect the Civil Service Commission to pick a good man 3,000 miles away and know whether or not his heart and mind are well disposed to the Indian.

Mr. CASTLEDEN: Do you not think that the two foremost qualifications of an Indian agent, or for that matter, anyone else dealing with Indians, are precisely those that you have emphasized throughout your brief, namely, sympathy and understanding?

The WITNESS: Oh, yes.

The CHAIRMAN: Yes, but that understanding should be along scientific lines, could it not?

The WITNESS: Understanding of human nature.

The CHAIRMAN: I have in mind, for example, such people as welfare workers, who have a knowledge of the social sciences.

The WITNESS: It would be better, provided they also had a deep understanding of human nature.

The CHAIRMAN: In other words, even a good magistrate has to have something more than simply a knowledge of the law?

The WITNESS: Well, I should think so.

Mr. CASTLEDEN: Do you think that any good purpose would be served by members of this committee visiting Indian reservations during the course of our deliberations?

The WITNESS: I fancy you would find out many things you would not be able to discover sitting here in Ottawa.

Mr. HARKNESS: As a result of all that you have observed on many reservations, what proportion of our Indians would, in your opinion, be ready for, say that measure of self-government that you recommend the Six Nations should have?

The WITNESS: I do not know the others sufficiently well to make any recommendation concerning them at this point. However, I am familiar with the Indians of the Six Nations and I am of the opinion that if they knew that this was going to take place in five years hence, they would send to business college the boys and girls they have in high schools so that when the time came they would be ready to look after this first phase.

Mr. HARKNESS: You do not feel prepared, however, to make any statement with regard to Indians generally across the country?

The WITNESS: Only this, that they should be given the same opportunity when ready for it.

Mr. GIBSON: What is your observation with regard to the Indians of Nanaimo? You must have had some opportunity to observe them.

The WITNESS: I feel that they are not yet far enough advanced and that reason for that is that they are off in one corner of the town where they are segregated and looked down upon.

The CHAIRMAN: Is that not usually true where you find reservations adjacent to large cities?

The WITNESS: Yes.

Hon. Mrs. FALLIS: Mr. Chairman, I would like to ask Brigadier Martin a question based on the list of the Indians who made successful careers for themselves in the outside world. I noticed, Brigadier Martin, when you were reading your list, that apart from those who achieved prominence or received credit in military service, there were very few who had received recognition in Canada. The majority of the persons mentioned on your list were in the United States. Is there any reason for that? Do they find it easier to make good in the United States than in Canada? Do you feel that they have a better chance to make good in the United States than in Canada?

The WITNESS: I think they have, for the reason mentioned.

Hon. Mrs. FALLIS: It is not that there is more discrimination against them in Canada?

The WITNESS: I would not like to say that, but it works out that way, just the same.

Hon. Mrs. FALLIS: I notice that Cleveland and other large cities in the United States were mentioned on your list. What about Toronto? It is a good sized city.

Mr. MacNICOL: We have a brigadier and a magistrate in Toronto.

Hon. Mrs. FALLIS: Well, he is too modest to talk about himself.

The WITNESS: I might say that if I had remained in Brantford I do not believe that I would ever have become a magistrate there. In Toronto, it was possible.

Mr. MacNICOL: If the other members of the committee are through for the moment, I would like to ask a question—

Mr. CASTLEDEN: First I would like to ask just one question along educational lines. Brigadier Martin, in your own experience with regard to the

Department's reason for not giving assistance to higher education, the answer was that there was no use educating Indians because they would just go back to their reservations anyway. That was some time ago, was it not?

The WITNESS: 1920 or 1921.

Mr. CASTLEDEN: Have you any records with regard to the opportunities that were given to other Indians to continue higher education, or do you think that attitude has prevailed to a large extent throughout the Department?

The WITNESS: I believe the attitude has changed, but the \$100, which I believe is the normal assistance given to each student, does not go very far.

Mr. CASTLEDEN: You feel that there should be more money made available to assist these students, do you?

The WITNESS: Yes. I would recommend a sum larger than \$100. I understand that it has been increased to \$200 or \$300 in special cases, but I have never heard of it being more than \$100 in the normal cases that I know of.

Mr. CASTLEDEN: I wonder if we can get on record from the Department the number of Indians who are being assisted at the present time in this regard?

Mr. FARQUHAR: You pointed out some of the outstanding men among the Indians who, through education, obtained the positions that they had. You feel then, do you, that with regard to the Indians the important question is the education of them?

The WITNESS: It is one of the important questions.

Mr. FARQUHAR: How do you find the work of the day school compared to that of the industrial school?

The WITNESS: Do you mean by that the residential school?

Mr. FARQUHAR: Yes, or industrial schools, as we call them.

The WITNESS: I do not see how there can be very much comparison because in the case of the day school the children attend every day from nine o'clock to four o'clock, while in the residential school the children go to school half a day and they work the rest of the time.

Mr. FARQUHAR: You consider, then, that they accomplish a good deal more at the day school?

The WITNESS: Oh, yes.

By Mr. Charlton:

Q. You said, Brigadier Martin, that in view of the fact that there was a considerable amount of interest money, the reserves could be given that money to operate on for a few years and then they could be given self-government. What would you do in the case of non-treaty Indians?—A. That would be a problem which would have to be met when the time came.

Q. Do you think that there could be another method evolved to deal with that?—A. I would think so. In answer to that question I might also say that just because some Indians have not got the money to obtain their freedom, why should the rest of the Indians be held back.

Q. Do you not feel, Brigadier Martin, that there are many Indians across Canada who are capable of filling various positions in the Department at the present time, as for instance, the position of Indian agent?—A. I know of some Indians who would make very good agents. I do not say that there would be many. I cannot say that because I do not know.

Q. What I am trying to get at is this: Do you feel it would be a good idea, for instance, to have an Indian of the Six Nations as an Indian agent for the Six Nations?—A. Oh, I think so.

Q. Do you consider that it would work out satisfactorily?—A. Yes.

Q. Probably better than it is now?—A. It would not have to work out extremely well to be more satisfactory than it is at the present time.

Q. If you would rather not answer the next question you will be excused. Was it the Indian agent who refused your brother?—A. Yes. Mind you, he may have had a very good reason.

Q. Did he state the reason?—A. I did not go into the question with my brother. He is younger than I am and I said to him, "I think you had better stay as you are. You may need that hospital one of these days". I was merely pointing that out as an example.

Q. As you were originally from the Six Nations have you had any occasion recently to visit the Mohawk institute?—A. No.

Q. You are inclined to believe that the day school is far superior to the residential school?—A. Absolutely.

Mr. FARQUHAR: Is the Indian agent who held the cheque from your father still in the Department?—A. He is dead. So is my father dead.

By Mr. Bryce:

Q. Brigadier Martin, I would like to hear your views on the Indian Affairs Branch. What I want to know is whether you think it is right and proper for Indian Affairs merely to be a side branch of the Department of Mines and Resources?—A. There is a thing that I feel Mr. Hoey—

Q. I can contact him any time. I may not see you again. I want your views.—A. My opinion is that it should be a separate department by itself.

Q. I agree with that completely.—A. I could never tell why they put Indians in with the Department of Mines and Resources because, after all, Indians are human beings.

Q. I believe it should be a department by itself, and I want to know if you agree with this opinion?—A. I agree with it one hundred per cent.

Q. In connection with the Health and Welfare Department, I know of instances in my own reservation up north where people have had to come to Ottawa to secure sanctions from the Department of Health and Welfare for Indian agents to move them. Do you think it would be for the betterment of the Indians in general to have one department?—A. I do not see how it could not help but be better. If Mr. Hoey were entirely in charge without having to refer to higher authority, which he has to do from time to time, I do not see how it could help but be more satisfactory.

Q. And you consider that having more day schools is a better plan?—A. Oh, yes.

Q. And that the present residential schools should be turned into vocational schools for young men and women in order that they may go out and take their places with white men?—A. I had not thought very much about that because I felt you would have to act with consideration before enacting that. Off-hand however, it looks like a good plan to me.

The CHAIRMAN: Brigadier Martin, I would like to ask you a question which is not without malice aforethought. You see, we members sitting around this table are members of the Senate and of the House of Commons. I was interested in your statement when you claimed that the Indian agents were appointed through the Civil Service but really by the members of parliament. I would like you to tell us why you say that a member of parliament would have any particular influence or authority. We are dealing with the Civil Service all the time and we would like to know how that is done.—A. You will see, Mr. Chairman, that I only suggested that I thought that was what happened. After all, as you know, there are all kinds of members of parliament and local examining boards are usually influenced a great deal by the opinion of the local member of parliament who talks to them before the meeting and so on.

The CHAIRMAN: Mr. Hoey, is the Indian agent appointed on the recommendation of a local examining board of the Civil Service Commission? A board of the Civil Service set up with representation from the head office, or the provincial office of Indian Affairs? What are the means and method of appointing an Indian agent?

Mr. HOEY: Let us suppose that an agency is at present vacant or is about to become vacant, in Ontario, and that it is a Grade III or Grade IV or Grade V agency. If it were a Grade V agency I would be asked first of all, to decide whether the agency should be filled by promotional competition or open competition. If it were decided to fill it by promotional competition the Department itself would do most of the final rating for the Civil Service Commission and the latter would send over an investigator. So far as promotional competition is concerned it is confined to full-time, permanent employees of the Indian Affairs Branch. Now, in the case of open competition we send in a submission that the agent has retired, and after six months, as you know, the position is advertised in post offices and other public buildings in the district. All applications are forwarded to the Secretary of the Civil Service Commission in Ottawa. When the applications are all in and the competition is closed, the first rating board meeting is held. Latterly I have been representing the branch on that. Ordinarily the General Superintendent of Indian agencies would be the representative but I have had to take on that additional duty. Usually at these meetings there is a representative of the minister's office, the head of personnel; a representative or two of the Civil Service Commission, and an outside man selected by the Civil Service commission. He may be an educationist or an experienced administrator from the Department of Veterans Affairs. We go completely over the applications and reject those who have not the necessary educational qualifications or who have not the returned soldier's preference. We scrutinize all applications and frequently write to the applicants, seeking additional information. Having done that the Civil Service Commission selects a rating board. Let us suppose it is in Saskatchewan. The Civil Service Commission and not the Department would select a local rating board. As I understand it, that board is made up of a representative of the Civil Service Commission, a representative of the returned soldiers, another local individual who may be selected by the Civil Service Commission, and our senior official in the province concerned—Inspector Ostrander in Saskatchewan or Major McKay in British Columbia. They meet, interview the candidates, have oral examinations, and send forward a list of the candidates in order of preference. Now, that is not always accepted by the Civil Service Commission. As Major McKay pointed out during the course of his evidence, the Civil Service Commission, for reasons best known to themselves, do not always accept the findings of the local board. They may or may not; then we receive an announcement that a certain man has been selected for a certain agency.

The CHAIRMAN: Is there any question of political patronage entering into the selection of an Indian agent?

Hon. Mr. HORNER: Of course there is!

Mr. BRYCE: Mr. Chairman, Brigadier Martin has hit the nail on the head. It is not what you know, but whom you know.

Hon. Mr. HORNER: Mr. Chairman, I am surprised at your bringing up so superfluous a question as that.

Mr. FARQUHAR: There are some Indian agents in my constituency and there is nothing in my experience to substantiate any suggestion in regard to patronage. I think it is generally felt among the members who have had any experience that the suggestion is unfounded. They have had nothing to do with the appointment of Indian agents. It is, I believe, an erroneous impression that Indians and a few members as well have.

Mr. HARKNESS: We can more profitably spend the time of Brigadier Martin in canvassing other matters.

Mr. FARQUHAR: No. I do not think so. One of the things we have to do is clear up some of these misunderstandings in the minds of the Indians. This is a case in point.

The CHAIRMAN: Probably, Mr. Farquhar, we could do that when Brigadier Martin is not here.

Mr. FARQUHAR: You brought it up.

The CHAIRMAN: Yes, I admit that, but the matter can be pursued further at some other time.

Mr. HOEY: May I be permitted, in the interests of accuracy, to point out that the appointment of farming instructors or Indian day school teachers should not be confused with the appointment of Indian agents. Farming instructors are ministerial appointments. Fifty per cent of Indian day school teachers are ministerial appointments. It is only fair to the Civil Service Commission to say that in the ten years that I have been in the Department—I will place the records at your disposal—at no time has there been even the semblance of political interference either directly or indirectly with the single exception of local selection. The Civil Service Commission concedes the minister the right of local selection. Until a man is selected, well, of course, he is a ministerial appointee, though he has no standing. When the competition comes up, the fact that he has been locally selected does not give him any preference whatever.

By Mr. MacNicol:

Q. I would like to ask a few questions along specific lines. These questions fall under four headings—education, health, opportunities for the Indians, and assistance to the Department and legislature. Commencing with education, I understood the brigadier to indicate a decided preference for the education of the Indian children through the day schools rather than by the residential or industrial schools.—A. Yes, under the present system of running the residential schools where the children have to work half the day and go to school half the day.

Q. Secondly, would you be prepared to maintain as preferable that the Indian schools should be wholly under the provincial departments of education right across Canada or, as so many are now, under various denominations?

—A. I am of the opinion that the day schools should be subject to inspection by the provincial departments of education.

Q. And the curricula?—A. Yes.

Q. Now, in the matter of health, before the white man came, were Indians afflicted with tuberculosis to the same extent as they are to-day, as far as you know from legend or otherwise?—A. I do not know.

Q. You have no answer to that?—A. No.

Q. With reference to the hospital which you mentioned on the Six Nations reserve, are there any Indian doctors in that hospital?—A. No.

Q. Any Indian nurses?—A. Yes, I believe so.

Q. Qualified nurses?—A. I believe so.

Q. That is a step in the right direction. Why are there not any Indian doctors?—A. I don't suppose there are any. The doctor who is there, although he is not an Indian by birth, is virtually one anyway because he was brought up on that reservation. It amounts to the same thing.

Q. That is satisfactory. Quite a number of us have felt that Indian doctors and Indian nurses could be used to a greater extent in all hospitals across Canada in the treatment of Indians. Do you think so too?—A. I think so, if they were available.

Q. There would be no objection from the Indians themselves?—A. Not as far as I know.

Q. One other question before I leave health: Would you say that every large reservation should have its own hospital?—A. Yes, on the reserve.

Q. In moving around among the Indians I have gathered the impression that they would feel that their loved ones were being better taken care of if they could be hospitalized locally than if they were sent to some hospital 70 or 80 miles away. What do you say?—A. It is only natural that they would want a hospital in their own vicinity.

Q. Now, as to opportunity. You mentioned in your brief a Mr. Martin, a Mr. Jamieson and others who have made good, and of course there is yourself and Mr. Lickers. I am interested to know what it was that inspired all you gentlemen—you had no particular means—to leave the reservations?—A. I do not know; I cannot answer that. It simply happened—that is all.

Q. They have a very excellent teacher, Mr. Dobson, at the day school on the Moravian reservation. This year he passed three children from the day school to high school. Where will these children go now for further education?—A. I do not know where they will go; perhaps Belleville high school, if it is available.

Q. There should be some program to enable those children to go ahead, on the basis of the education they have so far obtained, so that they may become doctors, lawyers and so on.—A. Yes—if they wish to do so, and if their parents so desire and are sufficiently interested.

Q. My next question has to do with assistance to the Department. You mentioned somebody who was employed in one government department. I believe that at a previous meeting Mr. Hoey mentioned others who were so employed. As far as I can remember there was one, perhaps two, Indians in the Department. What is your opinion as to Indian Affairs department itself having quite a number of Indians in it? What do the Indians themselves think about it?—A. I cannot answer that question.

Q. I have found that in the United States they use a great many Indians in their administration. In Canada I do not know any of the chiefs of our Departments who are Indians. Would the Indians themselves be opposed to being directed or sub-directed or assisted by Indian officials in our government departments?—A. Oh, no, I do not think so.

Q. There is no reason why they should not be pleased?—A. What was that question?

Q. I do not know whether or not we have an assistant director to Mr. Hoey, but suppose the assistant directorship, if there is such a position, were to become vacant, would the Indians themselves across Canada consider having an Indian appointed to the position?—A. I think they would be very pleased if such were the case.

Q. I am glad to hear that. I think it would be sensible myself. Now, lastly, in South Africa the black races have several representatives in the South African legislature. They are not black people. They are white people elected by the black people to represent them. What would you say to the suggestion that the Canadian government place all the Indians of Canada in one electorate to elect four Indian representatives to sit in our parliament at Ottawa? Do you feel that the Indians would prefer to be represented by white men or by Indians?—A. I feel that you would have a much better result if they were permitted to vote in the ridings as they are at present set up, and let whoever happened to win, an Indian or a white man, represent them.

Q. Your reservation is one of the largest and from what I have seen, in any event, the Six Nations is the most advanced educationally of all the tribes in Canada, but you are not nearly numerical enough to create any effect on the

election in the county of Brantford.—A. I do not know but I presume they might elect a white man if they could agree upon one.

Q. All I know is that they do elect directly to the legislature in New Zealand, and in South Africa the representation of the coloured people is such that the electors are all black people. As regards a *modus operandi* where the Indians themselves could elect a white man or an Indian to represent them in parliament, what would your opinion be? I do not mean that they should form a political party; I do not think that would be a good thing. I am speaking of a system in parliament here whereby they could take part in all matters pertaining to their affairs.—A. With all the Indians being segregated across Canada as they are, it would be very difficult to arrange to elect any one Indian to represent all the Indians.

Q. Well, there are quite a number of very fine tribes and bands in southern Alberta: the Blackfoot, the Bloods, the Peigans, the Stonies; then, in Saskatchewan, the Wood Crees and the Plain Crees. I would imagine in the West and in British Columbia there would be enough to elect one representative for that part of the country. Two representatives could be elected in the East. There are approximately 125,000 Indians in Canada. On the same voting proportion as we whites have that basis would allow them to elect three representatives across Canada.

The CHAIRMAN: Two.

Mr. MACNICOL: The point I have in mind is that in accordance with the systems employed in New Zealand and South Africa, we would have parliamentary representatives for Indians.

The CHAIRMAN: Is that not another means of segregation?

The WITNESS: That is correct. I do not think that that would be a good policy.

Mr. MACNICOL: I am not arguing for or against it, but in New Zealand the Maoris do elect four of their own people.

The CHAIRMAN: What percentage are the Maoris to the total population of New Zealand?

Mr. MACNICOL: Stating from memory and subject to correction, total population is roughly a million and a half.¹

An Hon. MEMBER: About 92,000 Maoris.

Mr. MACNICOL: In South Africa they do not follow that program; the black people elect whites to represent them. I have no doubt that in due course, however, they will elect their own coloured people. At any rate, I was just seeking the Brigadier's opinion.

By Hon. Mr. Stirling:

Q. We have listened with great interest to your own story of how you have progressed. I wonder if you could tell us whether amongst others who were your associates before you left your reserve, were there many who had the desire to do the same?—A. Yes. Most of the people whose names I read this afternoon were people who went to school about the time I did.

Q. Yes, I understand that but they, I gather, were those who have succeeded and obtained some prominence in the walk of life they chose. Were there besides them, however, a considerable number of others who wished to break loose from the reservation and go their own way, or were there just a few?—A. Well, they all would like to have had an opportunity of making a better living,

¹March 31, 1945, population of New Zealand proper, including Maoris, was 1,679,972 (Whitaker's Almanac).

out in those days it was difficult. We did not have any automobiles or means of getting around and we simply had to go away. That is all there was to it.

Q. Can you tell us whether, in your opinion, in the tribes throughout Canada here are a considerable number of Indians to-day whose wish it would be to break loose and go off on their own?—A. In answering that I would say that they do, what you call, break loose and go off on their own. However, like the rest of the people of Canada now, because of the automobile and other easy means of transportation, they have left school at the age of 16 and gone off to the cities where they have acquired jobs and have been satisfied with getting 8 or 20 or 25 dollars a week. The result of that has been such that I do not think that at the present time the young people have the same ambition as those of us say 20 or 25 years ago, simply because we had to do that or we would get no place.

Hon. MRS. FALLIS: Is that not also true of the white people to-day? There are only a limited number who have the ambition to get out and make something of themselves.

By Mr. Castleden:

Q. Do you know, Brigadier Martin, that there is a large body of Indians opposed to enfranchisement? They fear that if that is done it will be the first step towards losing their reservation and treaty rights; it is through a lack of understanding.—A. Well, I think the fear is the loss, as I said, of the land which is necessary for them under the present system before they can become enfranchised.

Q. There is one other thing about the choice of chiefs. Some Indians are opposed to the present system instituted by the Department of selecting a chief for so many years. Do you know of Indians in Canada who wish to maintain their own system of electing their tribal chief?—A. Oh, that still goes on in the Six Nations.

Q. How many, half?—A. Oh, not half. I would say perhaps six or seven of them.

Q. There is one other question: Have you studied the series of treaties?—A. No, I do not know anything about the treaties.

Q. Do you know that there are Indians of Six Nations who claim that their treaty guaranteed to them—under the Haldimand Treaty, I believe—that they be permitted to exercise complete autonomy or self-government.

The CHAIRMAN: The witness has said that he knows nothing about treaties.

Mr. CASTLEDEN: I know, but that is in line with what he has advocated.

The WITNESS: Ever since I was a boy I have heard that treaty quoted but I never had an opportunity to read it.

By Mr. Lickers:

Q. Brigadier Martin, do you think that many of the professional men and women that you named this afternoon would be prepared to enter the Indian service in Canada?—A. To enter it?

Q. Yes?—A. Well, I do not think they would because they are established where they are.

The CHAIRMAN: Did they ever have the opportunity of entering that service?

The WITNESS: I do not know whether or not they did.

By Mr. Lickers:

Q. Is it true that at the present time we have not reached the stage, as far as the Indians are concerned, where we really have a professional group such as other races have?—A. That is true.

Q. And would you agree with me if I said that the only possible way that could be accomplished would be by hiring them in our own Indian service here?—

A. I think it would be a very good plan and a very admirable idea.

Q. You mentioned that in 1919 you endeavoured to get a job in Ottawa?—A. Yes.

Q. Supposing that you had been employed, would you have stayed in the service?—A. Oh, yes. That is the reason I applied for the job.

Q. Did that recently happen again?

By Mr. MacNicol:

Q. Did you apply for a position in the Indian Affairs Branch here?—A. I applied for a job last winter but I am really very glad that I did not get it.

Q. Were you a magistrate then?—A. Oh, yes. But I applied for the job only because I felt that perhaps I might have an opportunity to do some good for my own people.

Q. I am sure that you would have.—A. But all the time I had my finger crossed that I would not get the job, and I did not.

By Mr. Lickers:

Q. Did you do that more or less as an experiment to see what is the attitude of the present Department and the Civil Service Commission?—A. No, I did not. I did it with the honest belief that I had the qualifications, except that a university degree was required. I naturally felt that that was the reason that I did not get the job.

By Mr. MacNicol:

Q. What kind of a degree? What degree?—A. They required a university degree for the position and I did not have one.

By Mr. Lickers:

Q. If the councils on the reservations had the authority to spend money to assist their children in obtaining higher education, you would not have had the difficulty which you had in getting a higher education?—A. No, I would not.

Q. Would you advocate, then, that the regulations be changed so that the councils would have absolute authority to vote their own money to assist their own people?—A. That is one of the reasons why I made the suggestion in my presentation, that in a period of time the Indian council be given each year all the interest money that has accumulated annually in order that they might look after their own public service, and, at the same time, if they had any money left over, they could loan it for the building of houses and so on.

Q. Would you advocate now even spending more money than was allowed in their trust fund, using some of the capital in order to make loans for houses, farming and similar purposes?—A. I certainly do. I have never seen any reason for building up large amounts of money. I do feel that if the Director of Indian Affairs were permitted to use more money he would do so.

Q. Would you place that directly under the authority of the council?—A. Later on when they have learned to take care of their capital fund.

Q. So that in about five years or so, when they have a certain degree of control, they would be able to govern themselves?—A. I would say that in five

years they would be able to take care of all the interest money, and in a later period of time they would be able to take care of, as they should, the capital fund which is now held in trust.

Q. Would you advocate that at the present time on the more advanced reserves that Indian councils be given more authority in connection with Indian affairs?—A. Oh, yes.

Q. And would you subsequently enlarge that control to include, perhaps, looking after their own schools, the appointment of their school teachers?

—A. That is what I had in mind, by turning this fund over. They have got to have money before they can do that, and that is what I meant by suggesting that they get this interest money annually. It was so that they could look after all the interests on their reservations.

Q. With reference to the non-treaty Indians, would you suggest that the money which the government is now spending should be turned over to them and used by them each year?—A. I think that is a question which the Director of Indian affairs should answer rather than myself. I do not know the situation well enough to give an intelligent answer.

Q. Coming to the question of Indian agents, would you suggest than on the larger and more advanced reservations that in the selection of Indian agents the band council should be consulted in the appointment?—A. I would not see anything against it.

By Mr. MacNicol:

Q. If I might interject—would there be anything against the appointment of an Indian as an Indian agent on the Six Nations reserve?—A. Not at all. As I understand the Indian Act, if an Indian were appointed as an Indian agent he would first of all have to become enfranchised in order that he could carry on the business of the band, signing contracts and so on.

By Mr. Lickers:

Q. Would you say that next to the appointment of an Indian agent he should get some experience as a clerk in the office for some time?—A. I believe that every Indian agent should be trained under the direction of the Department of Indian Affairs.

Q. I do not know whether as a magistrate of the Crown you have run across it or not, but what would you say as to relaxing of the liquor law as far as the Indians are concerned?—A. As far as I can see, they get all the liquor they want anyway and they might as well have the privileges. That is one thing I intended to mention. The fact that an Indian cannot go into a store or a place to buy liquor legally brings him in contact with the undesirable elements of the towns and cities around him, and this is very much to his disadvantage. He should be able to go into the store himself and get the liquor.

Mr. MacNICOL: Why should not the the government have a dispensary peculiarly and exclusively for the Indians?

The WITNESS: Well, then, you are segregating them again.

Hon. Mr. HORNER: If the Indians could get liquor legally it would do away with bad liquor. That is a point I was going to raise. The bootleggers sell liquor for as high a price as \$12 a bottle and they are not punished nearly enough for that offence.

The WITNESS: My experience has been that the Indians get all the liquor they want anyway.

Hon. Mr. HORNER: I lived on a road near a reserve and I had to go out and settle rows more than once at night,—rows that took place on the way home. They had had plenty of liquor.

By Mr. Lickers:

Q. In connection with the professional men and women you named, they were all pretty well from the Six Nations, were they not?—A. All of them except John Stacey, who was from Caughnawaga. Dr. Jamieson came from Caughnawaga too.

Mr. MACNICOL: Would any of you western members know of any outstanding Indians from the western reserves?

Mr. HARKNESS: When I was attending the University of Alberta there was a man by the name of Hennepin from a northern Saskatchewan reserve who was taking medicine there. I do not know whether or not he graduated.

By Mr. Castleden:

I am particularly interested in the recommendations that the brigadier gave as a solution: first, education; second, income and, third, homes. What would you recommend with regard to these Indians whose present economic conditions are such that they have not sufficient income to maintain a good living, whether or not they work all the year?—A. I would say that the same answer applies to the Indians as to anybody else across the country. There is no special weakness, as I see it, with the Indian. It is just that the conditions around him are as difficult to change, I suppose, as they are for other people.

Q. But where the Indians down on the Six Nations reserve at Brantford have an opportunity of making a fairly decent income you find a high standard of living and homes among some of them as compared to some of the reserves in the west and other parts of Canada. That opportunity does not exist for them and the standard of living and the houses that they live in are just hovels in comparison.—A. If they could raise cattle or do something in that respect, I would certainly say that they should be assisted in that.

Q. Do you not think that it is the duty of the government to see that the opportunity does exist for these people to earn for themselves a proper income? If the reserves cannot provide them with that income, something should be done immediately to see that the opportunity does exist.—A. Yes, it is the opportunity that should be there rather than direct assistance.

The CHAIRMAN: There is just one point that I would like to draw to the attention of the committee. Brigadier Martin said something about children living next to residential schools having to attend the schools whether or not they are of that particular religious faith. If you refer to section 10, subsection 2 of the Indian Act you will see that it says:

Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices.

Mr. HOEY: That is what has been provided in the Act. There may be instances of where one or another mistakes have crept in, but I think they have been few.

By Mr. MacNicol:

Q. May I ask one question? It has to do with the Indian councils. Do they interest themselves in improving farm conditions by the drainage of the land or the improvement of the soil by fertilizer? What do they do themselves to raise the level of the Indians?—A. I do not know very much about the present council on the Indian reserve at Brantford. I do know they now have a riding and driving association there. They have a guide and considerable money raised for it. They have their annual affairs.

Mr. MACNICOL: Yes, I have been at some of them.

By Mr. Farquhar:

Q. What has been your attitude towards the older people who have gone beyond the years when they are capable of making their own livelihood?—The young people care for the older people as well as they can. I think that the older people are pretty well cared for by the children if the latter are making any money.

Q. But that is not done by the Department?—A. No. I do not think they get any old age pension or anything like that. If they do it is very small.

By Mr. MacNicol:

Q. Coming back to the question of the council again. Firstly, has the Six Nations one big council covering the five or six tribes that may be represented here?—A. There are twelve counsellors.

Q. How often do they meet?

Mr. LICKERS: Once a month.

Mr. MACNICOL: What do they do? What do they take up? What do they decide?

Mr. LICKERS: More or less the legal aspects; for instance, disputes, and looking after contracts for roads.

Mr. MACNICOL: And bridges?

Mr. LICKERS: Yes.

Hon. Mr. HORNER: And pass on requests for lands?

Mr. LICKERS: Yes.

By Mr. Castleden:

Q. Does the agent there attend each of these meetings?

Mr. LICKERS: Oh, yes. He is the presiding chairman. On our own reserve they have taken an interest in the farming. They have tractors which they use to cultivate land which was not under production before, and they have also started a reforestation program down there at the present time.

Mr. MACNICOL: What do they do, if anything, with reference to education?

Mr. LICKERS: Nothing.

Mr. MACNICOL: The main thing that I have learned from the brigadier is that he himself is a product of education as were all those others he mentioned. What does the council do, if anything, to improve the education of the young folks on the reservation, or have they any authority?

Mr. LICKERS: They have no authority whatsoever. The only authority they have is that when somebody is passed through the public school and they make application to the council for the \$100 grant, then the council passes on that.

Mr. MACNICOL: To send the children to some outside school?

Mr. LICKERS: Yes, but apparently the department regulation is that you have to get a higher than pass mark before you are entitled to the extra grant of \$100. Now, that may be a good policy and then again it might not be because it could cut off many people who might raise their standard of living by having three or four or five years higher education.

Mr. MACNICOL: As wards of the department, what does the department do to see that these Indian children, who pass into high schools or colleges, get placed satisfactorily in civilian life?

Mr. LICKERS: Not a great deal. They have no program in the east that I know of. To give you an instance of that: We have a girl stenographer in Brantford who is very good. There was a position open at our own Indian office for her to more or less act as a clerk in connection with

family allowances. I know that our Indian agent approached her about the job to see if she would accept it. She wanted it and would have taken it but she was turned down by the department or the Civil Service Commission. I do not know who got the job but she never got it just for the simple reason that she had not joined the C.W.A.C., or something like that during the war.

The CHAIRMAN: There was a veteran's preference that came in then. You would not suggest that we abandon that policy, would you?

Mr. LICKERS: Well, as far as Indians are concerned, if you are going to help them they should at least be given preference in their own work.

The CHAIRMAN: Does that not lead to segregation?

The WITNESS: I would not agree with Mr. Lickers in that. I do think that the returned soldiers should get the preference over everybody else.

The CHAIRMAN: You see, if you are going to have Indians look after Indians you are going to have segregation. We are all Canadians.

Mr. MACNICOL: If I understand this case properly, here is a young Indian girl who is a first-class stenographer and she applied to the department for a job and she was turned down. We are all in favour of soldiers having a preference, of course, but stenographers are not soldiers. Some of them were employed in the women's part of the services—

The WITNESS: As I understand it, Mr. Lickers, the girl who got the job had been a C.W.A.C.?—A. No.

The WITNESS: That is a different story.

The CHAIRMAN: No veteran's preference applied, then?

Mr. LICKERS: It may have.

Mr. REID: Let us get this clearly. Did the lady who got the job have anything to do with the services during the war?

Mr. LICKERS: To tell you the truth, I do not know who got the job.

The CHAIRMAN: Brigadier Martin, I wish to thank you most sincerely on behalf of this committee for attending here and giving us this most interesting presentation. I want to assure you that the members of this committee are most desirous of hearing representations from persons such as yourself who have knowledge of Indian history and background. On behalf of the committee I want to extend to you our appreciation for coming here to-day.

Mr. MACNICOL: Might I express my own personal appreciation because I believe it is myself who is responsible for having you brought here, Brigadier Martin. Mrs. M. Morris of Toronto, the widow of a former church minister apparently knew your background and it was she who suggested that you would be only too glad to come down here.

The CHAIRMAN: Yes, it was Mr. MacNicol, Brigadier Martin, who suggested that among others we have you here in attendance, and he not only suggested that at one of our early meetings in June, but I think at several meetings since then.

The WITNESS: I want to say that I have enjoyed coming here, and I would like for the purpose of the record to say that I am here representing only myself. I want to go to the Six Nations reserve sometime and do not want to have them blame me for coming down here as representing them. I am not. Thank you.

The Committee adjourned to meet Thursday, August 8, at 2 p.m.

SESSION 1946



SPECIAL JOINT COMMITTEE OF THE SENATE
AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 20

Thursday, August 8, 1946

WITNESS:

W. C. Ronson, Assistant Deputy Minister, Department of Finance,
Ottawa.

OTTAWA
EDMOND CLOUTIER. C.M.G., B.A., L.Ph..
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1946

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Thursday, August 8, 1946.

The Special Joint Committee of the Senate and the House of Commons met to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met this day at 2.00 o'clock p.m., the Joint Chairmen (The Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P., presided.)

Present:

The Senate: The Honourable Senators Fallis, Horner, Johnston, Macdonald (Ligon) and MacLennan—5.

The House of Commons: The Honourable Mr. Stirling and Messrs. Black-Brown, Bryce, Case, Castleden, Charlton, Farquhar, Gibson (*Comox-ni*), Harkness, MacLean, MacNicol, Matthews (*Brandon*), Raymond (*Wright*), Reid, Richard (*Gloucester*), and Stanfield—17.

In attendance: (Department of Mines and Resources): Messrs. W. J. Pratt, R. A. Hoey, Director, Indian Affairs Branch; B. F. Neary, H. M. and J. H. Gordon, of Indian Affairs Branch;

Also, Mr. Norman E. Lickers, Barrister, Counsel for the Committee and an Officer.

Mr. Reid produced and had referred to the subcommittee on agenda and procedure a letter from Mr. Andrew Paull, President, North American Indian Brotherhood, complaining about certain statements in evidence of Mr. L. L. (name obscured).

Mr. W. C. Ronson, Assistant Deputy Minister, Department of Finance, was called, questioned, and thanked by the Chairman for his appearance, and was excused from further attendance before the Committee.

On motion of the Honourable Senator Horner, it was

Resolved: That the minutes of proceedings of the following meetings be approved in: July 9, July 11, July 16 and July 18.

The Chairman announced that the next meeting would be held in camera for the purpose of considering the Report of the Committee to both Houses, and the final report of the subcommittee on agenda and procedure.

The Committee adjourned at 3.55 p.m., to meet again at 2.00 o'clock p.m., on Tuesday, 13th August next.

T. L. McEVOY,
Clerk of the Joint Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

August 8, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act met this day at 2.00 o'clock

Mr. D. F. Brown, M.P. (Joint Chairman), presided.

The CHAIRMAN: Mrs. Fallis and gentlemen, will you come to order, please?

Mr. REID: Mr. Chairman, I would like the privilege of referring to the subcommittee a communication I received this morning from Mr. Andrew Paull of the North American Indian Brotherhood, in which he makes a denial of claims allegedly made against him in evidence offered by Mr. L. L. Brown. I think the matter he speaks of is regarding a sale of lands by an Indian agent at Valpole Island and the acceptance of a white man into a band of Indians.

The CHAIRMAN: Would you permit me to refer that to the subcommittee on procedure and procedure?

Mr. REID: Yes, I think the matters complained about should be looked

The CHAIRMAN: This letter will be referred to the subcommittee for further consideration.

Mrs. Fallis and gentlemen, we have as a witness to-day Mr. W. C. Ronson, Assistant Deputy Minister of Finance who is here to answer questions which have been brought up from time to time by other witnesses as to the operations of the treasury board with respect to Indian affairs matters. If it is your pleasure I would like to refer on behalf of the committee to certain questions that have been raised in previous meetings of this committee; probably Mr. Ronson could give us some explanation. If it is your pleasure, I would like to ask these questions.

W. C. Ronson, Assistant Deputy Minister of Finance, called.

By the Chairman:

Q. On page 472 of the minutes of evidence at the top of the page there is a question addressed to the secretary of the treasury board by F. P. Varcoe, Deputy Minister of Justice:

I acknowledge your letter of the 4th instant with which you submitted a copy of a report to Council made by the Minister of Mines and Resources on the 6th ultimo for approval of the expenditure of \$800 from the funds of the Squamish Band of Indians in the Vancouver Indian Agency for the purchase of musical instruments.

You ask my opinion as to whether the proposed expenditure could be properly authorized under section 92 of the Indian Act. With reference thereto, I may say that I am of opinion that this expenditure cannot be made under the Indian Act unless it be shown that the Indians are entitled thereto under the terms of the surrender or other document under which the property from which the moneys were realized was received.

(Signed) F. P. VARCOE.

There is a further letter dated at Ottawa, April 27, 1946 by Mr. Ronson addressed to C. W. Jackson, acting Deputy Minister, Department of Mines and Resources:

This will refer to your Minister's recommendation of March 6, 1946 that authority be granted for an expenditure of \$800 from the Revenue account of the Squamish Band of Indians for the purchase of musical instruments.

In reply to an enquiry the Department of Justice have advised by letter of April 15 that the Indian Act does not provide for expenditure of the type in question except and unless these expenditures are provided for under the terms of surrender. A copy of the Justice's reply is enclosed.

and then there is a question as to the use of funds to provide sports-equipment. There was some question as to the treasury board policy with respect thereto. Would you like to make any comment, Mr. Ronson?—A. I was not given a note as to what the committee had in mind. I have your proceedings here, which the letters you have just read are quoted. It would seem that the treasury board's only functions are to preserve the restrictions contained in the Indian Act. There are very definite restrictions contained in sections 92 and 93 of that Act as to how these Indian moneys shall be spent. Recommendations are made from time to time by the department and nearly always passed by the treasury board. On an occasion when there seems to be some doubt as to whether the recommendation conforms with specific items in these sections might be referred to the Justice department, as it was in this case. In the event that we get an adverse decision we can only accept that decision.

By Mr. Reid:

Q. When this matter came before you what particularly raised doubt in your mind that it was illegal to pay this money?—A. The implication of sections 92 and 93 of the Indian Act is that the money shall be used, more or less, for permanent improvements to their property.

Q. You did not go back to the British North America Act. I am thinking that when that Act came into force it said that the Indians in British Columbia were to be treated as well or better than they were being treated previously. Was the question of musical instruments mentioned in that British North America Act?—A. No.

Q. I would like to know, Mr. Chairman, what is being done here in Ottawa by the Department of Justice for these Indians?—A. My answer is with regard to the treasury board, that we submit, under the normal court procedure, any question of doubt to the Department of Justice since they are the law officers of the Crown. In this instance we got a negative answer and there was nothing for us to do but to accept it and return the recommendation to the department.

Q. If you had viewed the demand from the Squamish Indians in the light of the B.N.A. Act, would it have affected your decision because you have the right to decide whether this amount of money should be paid out or not. Having a doubt, you referred it to the Department of Justice, and they say candidly that the Justice Department can give many answers. I am asking you that on my responsibility as a member of parliament. I am asking you a question, Mr. Ronson?—A. I think that in any question of doubt we would have referred it to the Justice Department.

By the Chairman:

Q. When there has been a question of doubt, it has been referred to the Justice Department. Would you explain to the committee the procedure

appealing from a decision of the Department of Justice?—A. You mean do the Department of Indian Affairs have a right to make an appeal?

Q. Can you explain to the committee what is done in the event the Indian Department is not in agreement with the decision of the Department of Justice?—A. I think the Indian Department might go to the Department of Justice and discuss the matter with them. That would be the only procedure I would have in mind. As far as the treasury board is concerned, the question is settled.

Q. Is it your opinion that if the Indian Department were to convince the Department of Justice that their first opinion was not quite correct, would you then be guided in your decision by a subsequent opinion of the Department of Justice?—A. Yes.

Mr. Reid:

I think, Mr. Chairman, the committee might well take note of the statement just made by Mr. Ronson. He says that as far as his department is concerned, the matter is finished. Once the Department of Justice makes a decision apparently nothing can be done. If that is a correct statement, then we should have some one from the Department of Justice here because we are not faced by the treasury board, according to Mr. Ronson. I am particular about it. I think the Indians in British Columbia are not being treated nearly as well as British Columbia treated them. I think that the treasury board should have viewed it in that light.

By Mr. Case:

Q. Who makes up the treasury board?—A. Six ministers of the Crown.

Q. Their portfolios are what?—A. Mr. Ilsley is by statute the chairman, Mr. Gardiner, Mr. St. Laurent, Mr. MacKinnon, Dr. McCann and Mr. Ian Mackenzie.

Q. Do you attend the meetings of the treasury board?—A. Yes, sir.

Q. Do you generally have a full meeting of the treasury board when important decisions of this kind are being made?—A. The quorum is three; we must have three. We would average I would say about four or five. Just at the present time the average would be lower. It is now a little difficult to get them to come.

Q. You have a pretty fair cross section of representation there, including the Minister of Justice; so you would be in a position to weigh this in the light of what the statutes provide; and, getting the ruling you did from the Department of Justice you did not feel it was worth while to go back to the former statute providing that the British Columbia Indians should receive the same treatment they would have received when they were a crown colony?—A. I would not suppose that was a responsibility of mine. I would think Mr. Reid made a fair statement of it when he said the statute had been interpreted by the Department of Justice. In so far as the legal interpretation was concerned that finished so far as we were concerned. We had to be guided by that decision.

Q. In any event I can accept it as far as comment that no decision would be made by Treasury Board except with a quorum present; that is right, is it not?—A. Yes.

Mr. MACNICOL: I have one or two questions, Mr. Chairman. First, who brought this matter before the committee?

The CHAIRMAN: It was brought before the committee by the witness Leslie, I think.—A. G. Leslie.

Mr. MACNICOL: What page is that on?

The CHAIRMAN: You will find your question, Mr. MacNicol, on page 468.

Mr. MACNICOL: Was it my question?

The CHAIRMAN: Yes. These are submissions presented by the witness answer to your questions. Maybe you did not intend to ask the question.

Mr. MACNICOL: What I should like to know now is if we could get a copy for our record of the minutes of the minister's recommendation of March 6, 194 that the Indians should have the use of \$800 as is outlined in the letter.

The CHAIRMAN: It may be on page 470 by D. J. Allan. And then there the letter on page 468 by the Minister of Mines and Resources. However, I think we will confine ourselves to this witness and get along much more quickly.

Mr. MACNICOL: What I was going to ask is—not having read all the letter I cannot say much about it—but I notice the letter on page 472, signed by Mr. Ronson addressed to Mr. Jackson, Acting Deputy Minister of the Department, says this:—

This will refer to your minister's recommendation of March 6, 194 that authority be granted for an expenditure of \$800 from the revenue account of the Squamish Band of Indians for the purchase of musical instruments.

I would endorse the minister's recommendation, if I had anything to say about it, because the instruments themselves and the music would be conducive to the spread of happiness among the Indians; and it should be quite evident that they should learn all the music they can learn. They apparently believe in ban music. I cannot understand such a request being turned down, particularly in the light of the minister's recommendation. What I want to know now is whether the recommendation of the minister not carried out, if he is the head of the department of which Indian Affairs is a branch?

The CHAIRMAN: Hasn't that been answered, Mr. MacNicol?

Hon. Mr. MACLENNAN: The Department of Justice said it would be illegal to spend the money for that purpose.

Mr. MACNICOL: Why does the minister bother his head about writing council at all.

Hon. Mr. MACLENNAN: The minister did. This applies to the treasury board.

Mr. MACNICOL: I thought the minister was head of his own department?

Hon. Mr. MACLENNAN: The minister is the head of his department.

The CHAIRMAN: As I understand it—you can correct me Mr. Ronson if I am wrong—that the request came to treasury board and treasury board said we are not sure about this and we will refer it to the justice department—the justice department is the legal advisor to the treasury board—and they said it was not legal; therefore the treasury board says, we take the advice of our solicitor and will not authorize the expenditure.

Mr. MACNICOL: In other words, the minister is not the head of his department at all. If the minister made a recommendation why would it not be carried out?

Hon. Mrs. FALLIS: The second paragraph of page 468 seems to cover that:—

In 1938 the branch referred to the Justice Department for a ruling on the following question: Can expenditures be made from revenue account for the purchase of sports equipment and musical instruments? The ruling given at that time was, "yes".

The CHAIRMAN: From what page are you reading?

Hon. Mrs. FALLIS: From page 468, the second paragraph.

Mr. MACNICOL: And it says, the answer is "yes"—

Hon. Mrs. FALLIS: Reading on further:—

yes, subject to the approval of the Deputy Superintendent General and authority of the Governor in Council.

Mr. MACNICOL: The treasury board said that?

Hon. Mrs. FALLIS: No, the justice department.

The CHAIRMAN: Continue that, please, Mrs. Fallis.

Hon. Mrs. FALLIS:

accordingly, several expenditures for the purchase of musical instruments were made, the required procedure as outlined above, in each case having been fulfilled. Then in March, 1946, treasury board, upon our requesting their authority for an expenditure of \$800 from Squamish Band funds for the purchase of band instruments, referred the matter to the justice department for a ruling as to the legality of the expenditure. The ruling was to the effect that the expenditure could not be made. Such conditions, it is obvious, do not facilitate proper administration of the trust fund.

the first part of the paragraph says that the Department of Justice says: "Yes, it can be made subject to the approval of the Deputy Superintendent General and on the authority of the Governor in Council."

Mr. MACNICOL: Was any expenditure made under the ruling of 1938? At least that was before this \$800 that was authorized.

Hon. Mr. MACLENNAN: Or was spent.

Hon. Mrs. FALLIS: Was spent.

The WITNESS: I am not familiar with that, but the \$800 refers to the question now under consideration, doesn't it?

The CHAIRMAN: Yes.

Hon. Mrs. FALLIS: Yes.

The CHAIRMAN: But apparently there have been other expenditures previously made.

Hon. Mrs. FALLIS: There were several expenditures made under that earlier ruling. Then in March of 1946, the treasury board was requested to give authority for an expenditure of \$800.

The WITNESS: I am not familiar with that. Presumably these earlier items were not referred to the treasury board. They would not be under that ruling.

Hon. Mrs. FALLIS: No, apparently not.

The WITNESS: The first one that came to us, as far as I know, was referred to the justice department.

Hon. Mrs. FALLIS: But the justice department apparently sanctioned some expenditures.

Hon. Mr. MACLENNAN: Mr. Reid referred a while ago, or the opinion of the justice department referred, to the terms of surrender. I wonder if there is anything in the terms of surrender which would enable Treasury to make an expenditure. Did anybody look it up at all?

The CHAIRMAN: I do not know.

Hon. Mr. MACLENNAN: One would think that the justice department themselves would look it up.

The CHAIRMAN: Would it be a reasonable request Mr. Ronson, to ask whether you, or the Department of Indian Affairs to get an opinion on this point from the Department of Justice for consideration by this committee.

The WITNESS: You mean, the terms of surrender?

The CHAIRMAN: On this particular point as to which we have already, course, got a letter.

The WITNESS: You mean page 468?

The CHAIRMAN: On the question as to why they once gave an opinion that expenditures could be made and subsequently gave an opinion that they could not be made, and your acting upon both of their opinions.

The WITNESS: As far as I am concerned at the moment I had no knowledge that there was this former opinion. It seems to me that the most satisfactory thing for you to do would be to ask officials of the justice department as whether they gave such an opinion.

The CHAIRMAN: We can have the Indian department ask the justice department for an elucidation of this subject.

The WITNESS: Yes. I would be in some uncertainty as to the correctness of this statement here unless you enquire from the justice department. They are usually very careful about their opinions.

Mr. LICKERS: Apparently the only solution to that would be to amend sections 91 and 92 of the Indian Act.

The WITNESS: Yes, sir, that is the obvious thing to do. Parliament has said that these restrictions should be administered, and we have no alternative but to administer them.

By Mr. Lickers:

Q. You could amend it to include certain things other than those included in those two sections.—A. Yes sir.

Mr. CASTLEDEN: Would it not be to the advantage of this committee as to those who read the minutes to have sections 90 to 95 of the Indian Act included?

The CHAIRMAN: If that is a request, I see no objection.

REVISED STATUTES OF CANADA, 1927, CHAPTER 98

AN ACT RESPECTING INDIANS

90. *Management of Indian Moneys.*—All moneys or securities of any kind applicable to the support or benefit of Indians, or any band of Indians, and all moneys accrued or hereafter to accrue from the sale of any Indian lands or the proceeds of any timber on any Indian lands or a reserve shall, subject to the provisions of this Part, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with but for the passing of this Part.

2. No contract or agreement binding or purporting to bind, or in any way dealing with the moneys or securities referred to in this section, or with any moneys appropriated by parliament for the benefit of Indians, made either by the chiefs or councillors of any band of Indians or by the members of the said band other than and except as authorized by and for the purposes of this Part shall be valid or of any force or effect unless and until it has been approved in writing by the Superintendent General (Minister). R.S., c.81, s.87; 1910, c.28, s.1.

91. The Governor in Council may reduce the purchase money due or to become due on sales of Indian lands, or reduce or remit the interest on such purchase money, or reduce the rent at which Indian lands have been leased, where he considers the same excessive.

2. A return setting forth all the reductions and remissions made under this section during the fiscal year shall be submitted to both Houses of Parliament within twenty days after expiration of such year, if Parliament is then sitting, and if Parliament is not then sitting, within twenty days after the opening of the next ensuing session of Parliament. R.S., c.81, s.88.

92. With the exception of such sum not exceeding fifty per centum of the proceeds of any land, timber or other property, as is agreed at the time of the surrender to be paid to the members of the band interested therein, the Governor in Council may, subject to the provisions of this Part, direct how and in what manner, and by whom, the moneys arising from the disposal of Indian lands, or of property held or to be held in trust for Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians, shall be invested from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given.

2. The Governor in Council may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Part, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they had in lands taken from them, for the construction or repair of roads, bridges, ditches and water-courses on such reserves or lands, for the construction and repair of school buildings and charitable institutions, and by way of contribution to schools attended by such Indians: Provided that where the capital standing to the credit of a band does not exceed the sum of two thousand dollars the Governor in Council may direct and authorize the expenditure of such capital for any purpose which may be deemed to be for the general welfare of the band. R.S., c.81, s.89; 1919, c.56, s.2; 1927, c.32, s.1.

93. The Governor in Council may, with the consent of a band, authorize and direct the expenditure of any capital moneys standing at the credit of such band, in the purchase of land as a reserve for the band or as an addition to its reserve, or the possessory rights of a member of the band in respect of any particular parcel of land on the reserve, or in the purchase of cattle, implements or machinery for the band, or in the construction of permanent improvements upon the reserve of the band, or such works thereon or in connection therewith as, in his opinion, will be of permanent value to the band, or will, when completed, properly represent capital, or in the making of loans to members of the band to promote progress, no such loan, however, to exceed in amount one-half of the appraised value of the interest of the borrower in the lands held by him. R.S., c.98, s.93; 1936, c.20, s.3.

2. In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent General (Minister) may consider advisable for any of the purposes mentioned in subsection one of this section, and it appearing to the Superintendent General (Minister) that such refusal is detrimental to the progress or welfare of the band, the Governor in Council may, without the consent of the band, authorize and direct the expenditure of such capital for such of the said purposes as may be considered reasonable and proper.

3. Whenever any land in a reserve whether held in common or by an individual Indian is uncultivated and the band or individual is unable or neglects to cultivate the same, the Superintendent General (Minister), notwithstanding Reserves, employing such person as may be considered necessary, for the purpose of such lands for agricultural or grazing purposes for the benefit of the band or individual, or may employ such persons as may be considered necessary to improve or cultivate such lands during the pleasure of the Superintendent General (Minister), and may authorize and direct the expenditure of so much of the capital funds of the band as may be considered necessary for the improvements of such land, or for the purpose of such stock, machinery, material or labour

as may be considered necessary for the cultivation or grazing of the same, and in such case all the proceeds derived from such lands, except a reasonable rent to be paid for any individual holding, shall be placed to the credit of the band.

4. In the event of improvements being made on the lands of an individual the Superintendent General (Minister) may deduct the value of such improvements from the rental payable for such lands. 1918, c. 26, s. 4; 1924, c. 47, s. 5.

94. The proceeds arising from the sale or lease of any Indian lands or from the timber, hay, stone, minerals or other valuables thereon, or on a reserve shall be paid to the Minister of Finance to the credit of the Indian fund. R.S. c. 81, s. 91.

94A. The Superintendent General (Minister) may operate farms on Indian Reserves, employing such persons as may be considered necessary, for the purpose of instructing the Indians in farming and for the supply of pure seed for Indian farmers and may from time to time apply any profits arising therefrom in the extension of such operations or in making loans to Indians to enable them to engage in farming or other operations or apply such proceeds in any other way for their progress and development. 1930, c. 25, s. 8.

94B 1. For the purpose of granting loans to Indian Bands, group or groups of Indians, or individual Indians and for the expenditure of moneys for co-operative projects on their behalf, the Minister of Finance may, from time to time, authorize the advance to the Superintendent General of Indian Affairs out of the Consolidated Revenue Fund of Canada of such sums of money as the said Superintendent General may require to enable him to make loans to Indian Bands, group or groups of Indians or individual Indians for the purchase of farm implements, machinery, live stock, fishing and other equipment, seed grain and materials to be used in native handicrafts and to expend and loan money for the carrying out of co-operative projects on behalf of the Indians. All expenditures made under such advances shall be made under regulations established from time to time by the Governor in Council and shall be accounted for in the like manner as other public moneys. Any moneys received by the Superintendent General of Indian Affairs from the Indian Bands, group or groups of Indians, individual Indians or co-operative projects, for aid furnished under the provisions of this section shall be remitted by him to the Minister of Finance in repayment of such advances. The amount of outstanding advances to the said Superintendent General including all amounts owing by the Indian Bands, group or groups of Indians, individual Indians or outstanding on co-operative projects shall at no time exceed the sum of three hundred and fifty thousand dollars.

2. The Superintendent General shall annually prepare a report with regard to loans made under the provisions of subsection one of this section, during the preceding calendar year, and such report shall be laid before parliament within fifteen days or, if parliament is not then sitting, within fifteen days after the beginning of the next session. 1938, c. 31, s. 2.

95. The Superintendent General (Minister) may

- (a) stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any Indian who is proved, to the satisfaction of the Superintendent General (Minister), guilty of deserting his family, or of conduct justifying his wife or family in separating from him, or who is separated from his family by imprisonment, and apply the same towards the support of the wife or family of such Indian;

- (b) stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply the same to the support of such child;
- (c) stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any woman who deserts her husband or family and lives immorally with another man, and apply the same to the support of the family so deserted;
- (d) whenever sick or disabled, or aged or destitute Indians are not provided for by the band of which they are members, furnish sufficient aid from the funds of the band for the relief of such sick, disabled, aged or destitute Indians;
- (e) make such regulations as he deems necessary for the prevention or mitigation of disease; the frequent and effectual cleansing of streets, yards and premises; the removal of nuisances and unsanitary conditions; the cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; the supplying of such medical aid, medicine and other articles and accommodation as the Superintendent General (Minister) may deem necessary for preventing or mitigating an outbreak of any communicable disease; entering and inspecting any premises used for human habitation in any locality in which conditions exist which in the opinion of the Superintendent General (Minister) are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Superintendent General (Minister), unfit for human habitation; preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises; preventing and regulating the departure of persons from, and the access of persons to, infected localities; preventing persons or conveyances from passing from one locality to another; detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past; the removal or keeping under surveillance of persons living in infected localities; and any other matter which, in the opinion of the Superintendent General (Minister), the general health of the Indians of any locality may require;
- (f) make by-laws for the taxation, control and destruction of dogs and for the protection of sheep, and such by-laws may be applied to such reserves or parts thereof from time to time as the Superintendent General (Minister) may direct;
- (g) make regulations governing the operation of pool rooms, dance halls and other places of amusement on Indian reserves.

2. In the event of any conflict between any regulation made by the Superintendent General (Minister) and any rule or regulation made by any band, the regulations made by the Superintendent General (Minister) shall prevail.

3. In any regulations or by-laws made under the provisions of this section, the Superintendent General (Minister) may provide for the imposition of a fine not exceeding thirty dollars or imprisonment not exceeding thirty days, for the violation of any of the provisions thereof. R.S., c. 81, s. 92; 1914, c. 35, s. 6; 1918, c. 26, s. 5; 1927, c. 32, s. 2.

By Mr. Castleden:

Q. I understand that no payments are made from Indian funds without permission of the Treasury Board.—A. The Governor in Council usually gives

the authority and the Governor in Council refers the matter to the Treasury Board for their report under section 92-2 and 93-1.

Q. Does it not take up a lot of time of the Treasury Board?—A. Yes, it does; sometimes the amounts involved are very small, as little as \$25.

Q. I can understand how moneys come in from a reserve; say an Indian is employed somewhere and he asks for a refund; that expends a lot of red tape. Have you any recommendation you would like to make to the committee with regard to altering this Act in order to make it more efficient and make this particular phase of the whole situation better from the point of view of the Indian, the department, and the Treasury Board?—A. I think the permission might be broadened and the restrictions lessened. I would agree fully with Mr. MacNicol's view that the purchase of band instruments is probably a very good thing for the Indians; nevertheless, this is what the Act says.

Q. Have you any recommendations you would like to make with regard to procedure?—A. Unless you remove the requirement that the Governor in Council shall be consulted, you would have to proceed as at present. If you are willing to leave the matter to the decision of the deputy head of the department, plus that of the minister, there is no reason at all why it should go to the Governor in Council.

By Mr. MacNicol:

Q. I agree, and I think that the minister made a recommendation which should have been carried out.—A. It could not be, as long as the Act is as it stands; the reason, I think, gentlemen, is this: I am not quite old enough to remember when this Act was put into effect, but these are trust funds which we, in the Finance Department, have always regarded as something close to sacred, that we should be extremely careful of; and that is the reason why these very specific items are in here, and I think parliament intended it so to be for that trust purpose.

By Mr. Castleden:

Q. You will notice, under section 91:—

The Governor in Council may reduce the purchase money due or to become due on sales of Indian lands, or reduce or remit the interest on such purchase money, or reduce the rent at which Indian lands have been leased, when he considers the same excessive.

He has practically dictatorial powers; he may do practically anything he likes.—A. It is still the Governor in Council.

Q. Yes, that is right.

By Mr. MacNicol:

Q. In the first place, the Indian Council passed a resolution that the band should have band instruments and that the instruments should be purchased from band funds. Eventually the recommendation goes to Indian Affairs to release to them \$800 of their own funds to buy instruments for their own bands. And then the minister made a recommendation which was turned down. I would imagine that the Indian Council would feel rather hurt at their recommendation not being accepted; and I would imagine that the minister would feel rather displeased. I imagine he would be hurt too, when he found out the Treasury Board had turned it down.—A. The ministers are used to that, Mr. MacNicol.

Hon. Mr. JOHNSTON: These are trust funds and I am not so sure that we should not leave the safeguards there. Parliament has to take a good many steps before it is free to disperse trust moneys. In this case there is that safeguard, and I think it was placed there in the first instance on account of these being trust funds. I am not so sure that every minister would just handle them as they are intended to be handled.

The CHAIRMAN: While Mr. Reid was out of the room for a moment, I suggested that the Department of Indian Affairs refer this matter again to the Department of Justice for further ruling, further opinion, as to why there was no permit given on one occasion and why it was refused on another occasion. Does that satisfy your request, Mr. Reid?

Mr. REID: I wonder if I could read into the record—because I have quoted many times—a statement about British Columbia. I went upstairs and found the terms of the union of the colony of British Columbia, where it specifies the terms. I feel sure that if Mr. Ronson had been acquainted with them, he would not have turned down the request for musical instruments because they were under—at page 164 of the British North America Act and Selected Statutes—the whole terms of the union between the colony and Upper Canada at that time, clause 13:—

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia government, shall be continued by the Dominion government after the union.

We might say that that just applies to lands, but in its broad sense it is suggested that the Indians shall be treated in every way as well after the union as before. I maintain we were fairly liberal in the province of British Columbia and I would like to see that clause adopted by every province.

The CHAIRMAN: Would you be satisfied with the proposal I made?

Mr. REID: Yes.

By Mr. Castleden:

Q. I notice in section 93, it says:—

The Governor in Council may, with the consent of a band, authorize and direct the expenditure of any capital moneys.

Could Mr. Ronson tell us whether or not capital expenditures are made from any band funds without the consent of the band, or is the letter of section 93 always lived up to?—A. Probably an officer of the Indian Affairs Department better qualified than I am to answer that question. I have no recollection of passing capital expenditures without a resolution from the band; but I might not always know or be certain on that point. I would rather you asked an officer of the Indian Affairs Department.

By Mr. Charlton:

Q. With respect to subsection 2 of the same section:—

In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent General may consider advisable for any of the purposes mentioned in subsection one of this section, and it appearing to the Superintendent General that such refusal is detrimental to the progress or welfare of the band, the Governor in Council may, without the consent of the band, authorize and direct the expenditure of such capital for such of the said purposes as may be considered reasonable and proper.

They can, without the consent of the band.

By Mr. Castleden:

Q. Yes, the minister has power to over-ride but that does not give the right to the Governor in Council. The minister has the right to over-ride.

Mr. REID: It is this kind of action that has led the Indians to believe that the money is being heaped up in Ottawa rather than to be used and enjoyed for the benefit of the Indians.

By Hon. Mr. Stirling:

Q. Now, in the absence of a minister, such as the Minister of Finance does the acting minister sit on the Treasury Board in his stead?—A. Normal yes. At the present moment Mr. Abbott is acting Minister of Finance and also alternate member of the Treasury Board.

Q. And then with respect to an expenditure such as we have been discussing does the minister involved, Mr. Glen, appear before the Treasury Board to put up his view with regard to a matter of this description?—A. Not unless he asks for it. If he wished to register an appeal or if in the first instance he wished to appear he would be accommodated. There is no question of that.

Q. Then in the third place Senator Fallis read from page 468 an instance where the matter was referred to the Department of Justice.

Hon. Mrs. FALLIS: In 1938.

Hon. Mr. STIRLING: And they said "yes". Mr. Ronson told us that when the money to be dealt with was trust funds it required an order in council and the order in council would not be put forward except after reference to the Treasury Board. In this case I presume such an order in council was given and the Treasury Board in consequence of the Department of Justice saying "yes" granted it; is that so?

The WITNESS: From reading the extract, which I saw only this morning, I would say that in those instances there was no reference to the Government in Council because the opinion is to the effect that the Department of Indian Affairs may do this thing.

By Hon. Mr. Stirling:

Q. That would be in contradiction to the section?—A. So it appears here. I think we should have an explanation on that point.

By Mr. Reid:

Q. I was wondering if I could ask Mr. Ronson another question. You put this matter up; I presume you took this matter up with the Treasury Board?—A. Pardon?

Q. I presume you would put the matter up to the Treasury Board?—A. Yes.

Q. In the first instance?—A. Yes.

Q. In putting the matter up to the Treasury Board would you give it your opinion to the Treasury Board under sections 92 and 93 that "we have no right to pay it?" The Treasury Board are such busy men they would not know. Naturally you would handle it and come before them. I would take you as the guide and adviser to Council, and I am just wondering in your presentation to the Treasury Board if you did not damn the thing right off?—A. I could not answer specifically. Sometimes the question might be raised by myself. Frequently it is raised by a member of the Treasury Board. I cannot answer the question in this particular instance. I am not aware of whether I brought the question up or whether some member of the Board did.

By Mr. Case:

Q. I wonder if we could have the record a little more complete. I understood Mr. Ronson to say that the Treasury Board is made up of six ministers whom he named. In addition to them who else is on the Treasury Board?—A. Each one has an alternate.

Q. The representative ministers and their alternates are the Treasury Board?—A. Yes.

Q. How about departmental officials? Do they act in an advisory capacity?—A. They prepare the material for convenient consideration by the

Treasury Board and register the board's decision, but they have nothing to do with arriving at those decisions.

Q. They make no decisions?—A. No.

Q. Are these officials of a permanent character? Are they advisers of the Treasury Board in the sense they represent various departments or are they just advisers of the Treasury Board?—A. They are permanent members of the Department of Finance.

Q. Then they will have a permanent secretary on the Treasury Board?—By statute the deputy minister of finance is the secretary of the Treasury Board.

Mr. BRYCE: I am going to bring up a new angle.

The CHAIRMAN: If you are, I have some other questions here I want to ask.

Mr. BRYCE: It was a question I wanted to ask Mr. Ronson but it does not pertain to musical instruments.

The CHAIRMAN: Is it in connection with this question I have asked him? I have several questions which are already in the minutes. Would you mind if I asked them first. It is not pertaining to this question?

Mr. BRYCE: I do not know what your questions are.

The CHAIRMAN: The question is about these musical instruments.

Mr. BRYCE: I am not going to talk about that.

The CHAIRMAN: Would you mind if I asked these questions before we proceed?

Mr. REID: I have another question.

The CHAIRMAN: All right.

By Mr. Reid:

Q. The question I should like to ask Mr. Ronson in regard to this very matter is was the Minister of Mines and Resources present on that occasion when a decision to refer this to the Department of Justice was arrived at?—I think the answer is no. It was the 15th of April, 1946. The last time we had the Minister of Mines and Resources as a member of the Treasury Board was the time of Mr. Crerar, and he would be out long before that, was he not?

By the Chairman:

Q. How are the Treasury Board members decided upon? Are they on it because of their office or because of the individual?—A. The Minister of Finance is chairman, by statute. The others are selected by the Governor in Council.

The CHAIRMAN: Are there any further questions on this particular point? If not we will proceed to page 656 where Mr. Hoey says:—

Could I interject a comment. I think that the present arrangement is profoundly unsatisfactory. Mr. Lickers speaks of the Six Nations; but take the case of the Queen Charlotte Islands. If a man rents a piece of land there—out in Mr. Reid's constituency—the rent is paid to the Indian agent and that rent is forwarded to Ottawa. We have been short of staff during the war years. In fact, we have been short of staff since I entered the department ten years ago. There are delays which are necessary and delays which are unnecessary and the Indian becomes profoundly dissatisfied. He does not know whether the rent has been paid or not.

Mr. MACNICOL: He would not know, would he?

Mr. HOEY: No. I have suggested to the Treasury officials and Mr. McCrimmon suggested to me this morning, that this is one problem with which the committee would have to wrestle. I have suggested to the Treasury officials that the rent be paid to the Indian agent, that it be deposited in a trust account at the local bank, and that the Indian agent be bonded to issue cheques against it. I cannot see why that cannot be done. But the treasury officials say there are insurmountable difficulties in the way. But whether that be so or not, this is one of the more important matters with which this committee must deal and which must settle because the present practice is profoundly unsatisfactory. More criticism reaches us with respect to it than about any other similar administrative problem facing us at the moment. Just think of the delay in forwarding money from northern British Columbia to Ottawa.

Would you like to comment on that?

The WITNESS: Just to explain that this is a procedure worked out originally by the Department of Indian Affairs and the Comptroller of the Treasury and before we had a Comptroller of the Treasury, with the accounting office of the Indian Affairs Department. Also I am not very familiar with it and it is a matter on which I would suggest you should consult the Comptroller of the Treasury.

By the Chairman:

Q. Who is the Comptroller of the Treasury?—A. Mr. B. G. McIntyre. He is an officer of the Department of Finance. This is a bookkeeping procedure and when I made some inquiry about it I was told that this was done as a matter of safety, also as a matter of making certain collections in the event the Indian owed money. I think that is all, but that is the kind of thing that is assumed is not provided by the statute, and could be changed by order in court or by arrangement between the Comptroller of the Treasury and the officers of the department, but if you wish to have more complete and more precise information you might ask Mr. McIntyre to appear, tell him what it is you want and he would be able to answer your questions very satisfactorily, I am sure.

The CHAIRMAN: Would Mr. Hoey or Mr. McCrimmon be able to shed a further light on that subject?

Mr. HOEY: Of course, I never did feel it was a matter that came either directly or indirectly under the Treasury Board. It is an old established practice. I do not know why that practice was established originally. It is, as I said, profoundly unsatisfactory. If the Indian agent is bonded why cannot he accept \$25 a month rent, deposit it in a trust account and issue cheques against it? It is something I just do not understand.

By the Chairman:

Q. Is the Indian agent bonded?—A. Yes; I have not the mentality to understand that kind of unnecessary work. Other people may be in a position to understand it. I do not, and it is causing profound dissatisfaction and voluminous correspondence. The average Indian agent and the average Indian cannot see any necessity for it.

Mr. MACNICOL: It irritates the Indians.

Mr. HOEY: I beg your pardon?

Mr. MACNICOL: I say it irritates the Indians.

Mr. HOEY: It irritates them profoundly. Here is what happens. An old Indian and his wife are no longer able to operate his 50 acres of land

acres of land and he rents that land to a white man. He is wholly dependent on that \$25 a month for his living. When this cheque is sent to Ottawa, it involves unnecessary delay, and he does not get that \$25 back for months. The result is he has to appeal to our welfare division for relief. You place him in that humiliating position. It is not fair. It is not sensible.

Mr. CASE: Are Indian agents bonded now?

Mr. HOEY: Yes.

Mr. CASE: They are all bonded?

Mr. HOEY: Yes.

Mr. HARKNESS: Have you ever attempted to make any arrangement with the Treasury officials along the line Mr. Ronson just suggested; and if so, with what success?

Mr. HOEY: We have never, since I became director a year and a half or two years ago, taken it up with the Comptroller of the Treasury. We have discussed it with his own treasury officers. There are difficulties in the way; there are bookkeeping and other difficulties. But they are difficulties which in my judgment should be overcome and I do not think my request is an unreasonable one. I cannot see anything but annoyance and irritation ahead unless that is changed, and I attach tremendous importance to it. A cheque coming in from the Queen Charlotte Islands to Ottawa, entered in the books, with cumbersome requisitions to get the money out again, and then have it sent back again to the Indian agent, makes for weeks of delay.

Mr. REID: You say weeks? Six months, you mean.

Mr. HOEY: Yes, months.

The CHAIRMAN: It is a matter, I presume, that could be corrected without an amendment to the Act?

Mr. HOEY: I think so.

The CHAIRMAN: To be specific, what would you suggest?

Mr. HOEY: As Mr. Ronson says, it is a matter that could be corrected by regulation. I do not know that, but I feel it could be. Is it your opinion it could be changed by regulation, Mr. Ronson?

The WITNESS: Unless it is contrary to the Consolidated Revenue and Audit Act which says that all public funds shall be deposited to the credit of the Receiver General. But my own opinion is that those are not public funds and that therefore this could be corrected by regulation. I should think the way to do it is for Mr. Hoey to get in touch with Mr. McIntyre and perhaps they can iron it out themselves.

Mr. MACNICOL: In reality not only are the funds not public funds but they are private funds belonging to private Indians.

The WITNESS: Yes.

Mr. MACNICOL: I agree with Mr. Hoey, that there should be the shortest, speediest transfer of the money from the tenant to the Indian.

By Mr. Richard:

QJ. If there was something in the Act what do you call it?—A. The Consolidated Revenue and Audit Act.

Q. Even if there was something in the Consolidated Revenue and Audit Act, you could very well put in a recommendation amending the Indian Act saying something like this, "Notwithstanding anything in the Consolidated Revenue and Audit Act it shall be done in such a way."—A. I should think it could be. I should think Mr. Hoey might consult Mr. McIntyre immediately and see if something cannot be done.

The CHAIRMAN: Would you, Mr. Hoey, on behalf of this committee, consult with the proper official and report back to this committee?

Mr. HOEY: Yes.

The CHAIRMAN: Is that satisfactory, gentlemen?

Some Hon. MEMBERS: Yes.

The CHAIRMAN: If so, we will proceed to the next question.

By Mr. Castleden:

Q. I do not know whether or not this is on the same line. Suppose a sale was made of land on a reserve, say for \$40,000 as an example, and \$10,000 was paid in cash. The Treasury Officer would receive that money. Does the Comptroller of the Treasury or any official of the Treasury Board act as a check on the Indian Affairs branch with regard to future payments on that agreement of sale or is anything done to check or to take care of the Indians?—A. Probably Mr. Hoey would be better qualified to answer that question than I am. My inclination is to say yes.

Q. Does the Treasury Board do it?—A. Not the Treasury Board; the Comptroller of the Treasury.

Q. Probably Mr. Hoey can tell us.

Mr. HOEY: Yes. The treasury officers are constantly checking up payments and they themselves send out payment notices. They keep a very close check on that, a very close check.

Mr. CASTLEDEN: It is a departmental official who does that work?

Mr. HOEY: He is not an official of the Indian Affairs branch. He works the branch but he is really an official of the Department of Finance.

The WITNESS: That is right.

Mr. CASTLEDEN: What is he?

Mr. HOEY: He is a treasury officer with the branch.

Hon. Mr. STIRLING: Yes, a treasury officer attached to the branch.

Mr. HOEY: Yes, that is it.

Hon. Mr. HORNER: In connection with the sale of lands with part cash payment and subsequent reduction in the price under an altered agreement, are the Indians consulted as to that reduction when their land is being sold, or are they not?

Mr. HOEY: I do not remember a case where that reduction took place. If there were a sale of a section of reserve land, I should think the matter would be discussed with them; probably discussed with them by the agent who has reported a loss on it. But I think the Governor in Council has a right to make adjustments without consulting the Indians. Mr. McCrimmon is the officer in charge of that particular branch and he is here. Perhaps you would like him to explain just what is done in the case of adjustments.

Mr. MCCRIMMON: Any Indian lands before being sold must be surrendered by the Indians. A majority of the Indians over the age of 21 must vote in favor of the surrender of those lands.

Mr. CASTLEDEN: In every case?

Mr. MCCRIMMON: Yes. When the surrender comes to Ottawa it is checked and approved by order in council and when that order in council is passed the Indians cease to have any control over that land. It is known as Indian land from then on. That is where the distinction between "Indian" and "reserve" land comes in. From that point on all transactions are at the discretion of the department and are not referred to the Indians for consideration.

Hon. Mr. HORNER: The Indian has no voice in the price?

Mr. McCRIMMON: Quite right.

Mr. CASTLEDEN: What accounting does he have of the funds?

Mr. McCRIMMON: For every parcel of land sold there is a sale account set in the treasury branch and the purchaser is billed annually for any money may have to pay. The funds are credited to the trust fund of the band concerned and each year the agent gets a copy of the band's fund statement for the band in his agency and the amounts collected are in those statements.

Mr. BRYCE: What percentage, Mr. McCrimmon, do you need on a reserve to sell the land?

Mr. McCRIMMON: That is a hard question for me to answer, Mr. Bryce, the reason that to-day we consider there is very little, if any, land that should be sold. That was not true in the past. We had cases, particularly in western Canada, where the Indians had a lot of land which they did not require. But we feel that to-day practically no Indian land should be sold. The only exception that I know of is in British Columbia, at Fort St. John. We have a reserve there of 18,000 acres. The Indians have never lived on it and very strong pressure is being brought to bear on us to make this land available for Veterans' Land Act settlement. The Indians surrendered the reserve on the condition that we purchase for them from the province of British Columbia three small parcels of land about 40 miles north of the present reserve. The negotiations are practically completed with the province. As a matter of fact, a surveyor is here right now. Mr. Crann from Fort St. John is on the ground right now surveying those parcels. We are going to be in a position to deal with the Veterans' Land Act. But outside of that we maintain that no land should be sold.

The CHAIRMAN: We are getting away from Mr. Ronson.

Mr. BRYCE: I want an answer. What percentage do you mean? You went around the question. What percentage of the band do you mean?

Mr. McCRIMMON: Of the band? We require 51 per cent.

Mr. GIBSON: Of the total membership?

Mr. McCRIMMON: Of the total male membership.

Mr. GIBSON: Do you make sure everyone votes?

Mr. McCRIMMON: No, if there are some Indians absent and we fail to get a majority of the vote of the members the surrender could not be approved.

Mr. CASTLEDEN: May I ask if that was done in the case of the surrender of the land and power development sites in the Stony Indian reserve when the national park was sold by an Act of Parliament last year?

Mr. McCRIMMON: I could not answer that.

Mr. MACNICOL: This is an important question and we should have that properly answered. Are you referring to the several power sites on the Bow River?

Mr. CASTLEDEN: On the Stony Indian reserve.

Mr. MACNICOL: On the Bow River?

Mr. CASTLEDEN: Yes.

Mr. MACNICOL: It is quite a long time since it was sold. In the meantime they asked for a little more remuneration for the renewal. I remember you are to come up for a complete renewal five or ten years hence.

Mr. CASTLEDEN: There was an Act passed.

The CHAIRMAN: Would you put your question again?

Mr. CASTLEDEN: My question was; was this procedure in regard to the surrender of the band followed in the case of the surrender of the power sites on the Stony Indian reserve when they sold those rights to the Calgary Power Company?

The CHAIRMAN: Can you answer that, Mr. Ronson?

The WITNESS: No, sir.

The CHAIRMAN: Let us get an answer to this. I would like to have somebody answer that question, but if we are going to start running all over the field talking to people who might be in attendance when we have Mr. Ronson here we are going to be here for several meetings. If there is somebody here who can answer that question briefly let us have the answer.

Mr. HARKNESS: I can answer it briefly. The rights actually were alienated quite a number of years ago, and what was made last year was a new agreement which increased the annual rental which the Indians would get for use of the land on those power sites.

The CHAIRMAN: There is no departmental official here who can give us an answer at the moment, so we will proceed with the questioning of Mr. Ronson. Are there any further questions on that point? I still have some questions here. When Mr. Bland, chairman of the Civil Service Commission, was before the committee there were several questions raised with respect to the Treasury Board. I will refer you to page 707 where a question was asked by Mr. Richardson and the answer was as follows:—

I am only pointing out that it is necessary first for the department to ask for an appointment; then the Commission advertises locally and holds a board to examine the candidates and the appointment is made. One of the difficulties in making a prompt appointment of an Indian agent or an inspector is the fact that the person formerly occupying the post is given six months' retirement leave. While he is on this leave he is still on the payroll and no other man can get the same money for the same job. That is the way it is all through the Civil Service.

Q. Who is doing the work during this period?—A. The department usually appoints someone to act in his stead. I agree with the committee that that is not good business and we have recommended to the Treasury Board that in such cases in order to speed up the procedure, the man that is retiring should be given a lump sum rather than be kept on the payroll for six months.

Would you care to comment on that, Mr. Ronson?

The WITNESS: Well, just to explain first of all, this has been the practice since Confederation, I suppose, that when a civil servant retires under the Superannuation Act as a matter of fact he gets leave with pay up to a total of six months and while he is away on this leave some other official of the department performs his duties; usually the man selected as likely to be appointed to the position. He performs the duties without any additional pay until the other man's leave has expired and then he gets the position.

By Mr. MacNicol:

Q. Would that apply to Indian agents also?—A. Yes, that applies throughout the whole civil service.

Q. Our information has not been along that line in connection with the appointment of Indian agents.—A. I would think so, Mr. MacNicol. I see no reason to suppose it is not the case. I am not familiar with the appointment of Indian agents, but that is the general situation throughout the public service. The alternative is to pay both men for that job, meaning a duplication and very considerable increase in cost. Also you lose the opportunity to see how the man works out on the job. Those are the reasons why the Treasury Board has not been willing to make any change.

Q. That method might be quite satisfactory with nine appointments out ten in the service, but in this case we have found in connection with the pointment of Indian agents that that has not been the method—that Indian encies are vacant for some considerable length of time. It has been suggested re by Mr. Hoey that amongst others perhaps the farming instructor might be pointed to take the agent's place. So far as the committee believe—and I am ly speaking of those I have talked with—they seem to have made up their nds that there should be a regular procedure to fill vacancies at Indian encies by someone who has had some knowledge of Indian agencies.—A. I ve heard of considerable delays—in some cases for periods of several years. w, that sort of delay, of course, has nothing to do with the Treasury Board. e only delay that might be attributed to the Treasury Board is due to the t that a man might have to wait for a total of six months until his edecessor has had his leave with pay. Even that is not applied to all cases, cause whenever there is a key position—a position in which a department presents that an *immediate* appointment should be made—the Treasury Board occurs. If the committee is interested in this matter I have a list here which ll illustrate the point: W. W. Cory, Deputy Minister of Interior; F. A. kland, King's Printer; Thomas Quaile, Chief Clerk to the Secretary of State.

The CHAIRMAN: What does this prove?

The WITNESS: It proves that the Treasury Board does authorize immediate pointments and does authorize immediate retirements with the gratuity and e immediate appointment of a successor.

By Mr. Bryce:

Q. Is the man taking another man's place on temporary wages until the months are up?—A. As a general rule he is a permanent civil servant who tinues at his regular wages.

Q. But he does not get the new wages that his new situation entitles him for six months?—A. No.

Q. Do you think that is right?—A. Yes, I see no objection to it.

Q. You don't? I do.

By Mr. Matthews:

Q. Who does the extra work? Are they not a man short during the six nths?—A. Usually it is possible to make some departmental arrangement der which the work can be carried on. Departments are not so short staffed a rule that they cannot make an adjustment.

Mr. BRYCE: The general complaint as to the Indian Affairs Branch is that y are and have been understaffed for ten years.

By Mr. Reid:

Q. How does it come that you take certain positions—the ones you have st quoted—and fill them while the bulk of the positions are not so filled? What the guiding point in connection with some as against waiting the six months' riod for others?—A. They are key positions, and it is thought that the public ertest will suffer if immediate appointments are not made.

The CHAIRMAN: How about Indian agents? They are very important— y positions.

The WITNESS: I have one case in front of me: an order in council of June 1939, concerning Robert John Lewis, Indian agent, grade IV, Manitowaning, be retired on superannuation and given a gratuity in order that an immediate pointment might be made.

By Mr. MacNicol:

Q. What was that again?—A. "The board, under the provisions of the Civil Service Superannuation Act, report that Robert John Lewis, Indian agent grade IV, Manitowaning Indian agency, Ontario, is eligible on account of abolition of position for retirement and allowances thereunder.

The board further recommend that in lieu of six months' retiring leave we pay Mr. Lewis be granted a gratuity equal to the difference between six months' salary and annuity for that period, namely, \$560.50, chargeable to the vote of the administration of Indian agencies."

Q. And someone else was immediately appointed?—A. Yes, someone was immediately appointed.

Q. Do you know the man who was appointed?—A. I am not informed of that point.

By Mr. Reid:

Q. The question I want to put to Mr. Ronson is this: you stated that that regulation has been in effect—I think you said almost since Confederation. Now, is it not a fact that when it was put into effect it was put in by way of a thank-you gratuity and not as a means of keeping a man on the staff because in those days there was very little civil service. Am I correct in that assumption or statement that when it was put into effect the 6 months' leave of absence with pay due under most retirements was really a thank-you gratuity in lieu of a gift for his services?—A. I think that is a fair statement as to the origin. I think it is true still. It is just as true to-day as it was then, I should think. It is a recognition of long and outstanding service.

Q. Then it has no relation at all to this safety of the service itself; because usually the man—and I think in all cases—the one who is appointed and promoted up to that post is competent to carry on. In all cases I think it is fairly understood that once a man is retired he never again goes near the office; as a matter of fact, the new incumbent would look askance if the other fellow came back.—A. Just keep in mind that that fellow that is taking over the job at the time then has to wait six months is going to get the same thank-you gratuity when he retires, so there is no great harm done.

Q. Oh yes, but he loses 6 months there.

MR. BRYCE: He is not getting it. He is only waiting 25 or 30 years before he gets it.

By Mr. Farquhar:

Q. When a man is not in the civil service, how is his salary arrived at? What is done, say, when an outsider is appointed?—A. When an outsider is appointed the job is assessed before the appointment is made and in general practice that rate is arrived at after consultation between the department and officials of the Civil Service Commission, and finally confirmed by the Treasury Board. It is only then when the position has been created and rate of pay set that the man is appointed.

HON. MR. STIRLING: Mr. Chairman, the method that Mr. Ronson has outlined is, I think, quite reasonable in a case where the position is going to be filled by promotion.

MR. MACNICOL: Yes.

HON. MR. STIRLING: But when that is not the case, and evidence has been brought before us that there have been delays in advertising the civil service position, then that method certainly does not sound reasonable.

THE WITNESS: If for any reason an immediate appointment is needed in the public interest, Treasury Board would always agree that a gratuity might

id instead of leave of absence with pay, so that an immediate appointment could be made. That was my reason for reading this list of names where that sort of thing had occurred.

By Hon. Mr. Stirling:

Q. But would it be possible as far as the Treasury Board is concerned, for the Department, Indian Affairs, realizing that on the 1st of November next an Indian agent will be retired, to proceed in September through the civil service to obtain his successor?—A. Yes. It might.

Q. Why has that not been done? It sounds very simple.

Mr. REID: If the Minister of Mines was not there, there would be little chance of it going through.

The CHAIRMAN: What is that?

Mr. REID: If the Minister of Mines was not on the Treasury Board, it would have little chance of going through.

Mr. MACNICOL: It is very important to pursue that. Mr. Stirling has asked a very pertinent question which was never answered.

Mr. REID: Mr. Ronson knows that it is perfectly true; that if the Minister of Mines was not there, it has little chance of going through.

The WITNESS: That is quite incorrect.

The CHAIRMAN: Gentlemen, just a minute. We are getting a little out of order. Would you answer that, Mr. Ronson?

The WITNESS: I beg your pardon?

By the Chairman:

Q. Would you answer Mr. Reid, was it, or was it Mr. Stirling?—A. Mr. Reid made a statement—I do not think it was a question—that if the Minister of Mines was not there, there was not a chance of his recommendation going through and I presumed to say that that statement was quite incorrect.

Q. Would you answer the other question?

Mr. REID: Well, I have been 16 years down here, you know.

The WITNESS: Well, I have been 26 years there.

The CHAIRMAN: Now, Mr. Stirling, is your question answered?

Hon. Mr. STIRLING: My question was directed to Mr. Hoey. That seems to be a simple arrangement, why has it not been done?

Mr. HOEY: I never heard of this appointment. It took place before I became director and I venture to assert here that it is one of the few ever made that way in the Department of Indian Affairs since confederation.

Mr. MACNICOL: Perhaps the only one.

Mr. HOEY: Perhaps the only one. I do not know what the local circumstances were, but I would not be frank with the committee if I did not make that statement. Here is the position out in an Indian agency. It is in the hinterland. A man has 4,000 or 5,000 human beings under his care. He is their senior officer. He looks after their education; their medical care; their welfare; to save them from destitution; the sale of their commodities; to save them from exploitation. He has no clerk at all, or he has a grade 2 clerk—a little girl, in his office. The time comes for his retirement. The only possible man under any circumstances who could take his job in many cases is the farming instructor.

Mr. MACNICOL: If there is a farming instructor.

Mr. HOEY: Yes, if there is a farming instructor. But that farming instructor, under present regulations, cannot take part in a promotional competition. The result is that for 5 or 6 months you leave these human beings with nobody

in charge of them. When they say to me, as director of Indian Affairs, "You can go out and get a local selection," what chance have I to-day to go out and get a local selection? What can I offer a man? A temporary job and then have him take part in open competition with all kinds of preferences! That the problem confronting the committee, that groups of Indians throughout the country are left without direction for 6 months until the retirement period is, and frequently much longer than 6 months; and I say this, that an Indian agency will go back more in that 6 months' period than an Indian agent can pull it up in 10 years. It is an economic waste, a waste of public funds and profoundly unsatisfactory.

By Mr. Harkness:

Q. Could this lag of 6 months in the appointment of an Indian agent be overcome by an amendment to the Indian Act without it being necessary to amend the Civil Service Act?—A. It could be overcome simply by applying to the Treasury Board to get a gratuity in lieu of leave, for the outgoing man.

Q. Apparently, though, there are some difficulties in connection with that; apparently there is also a little difference of opinion as expressed by Mr. Ronson as to how readily that might go through. My question essentially was this: Would a simple amendment to the Indian Act be authority for the Treasury Board immediately to start paying another Indian agent in spite of the fact that the other fellow was on 6 months' leave?—A. It is not needed, sir. It could be done as we stand to-day. There is plenty of authority. I have no recollection of the Treasury Board refusing a case of that kind in any department, where that department could show that the public interest was liable to suffer if that course was not followed.

Q. Apart from not being needed, would an amendment to the Indian Act provide authority? In other words, is it unnecessary to amend the Civil Service Act?—A. It is unnecessary to amend any Act.

Q. You still really have not given me a direct answer, Mr. Ronson.—A. Then what is the question?

Q. The question is this: Could this 6 months' lag be overcome by an amendment to the Civil Service Act providing that an Indian agent may be appointed immediately the former agent starts on his 6 months' leave and on pay?—A. The answer, of course, is yes.

MR. RICHARD: If you say, "May be appointed" you leave it again in the hands of the Treasury Board, do you not?

MR. HARKNESS: I do not think so. I think if we had legislative authority under the Indian Act itself, we could get away from the difficulty immediately.

MR. FARQUHAR: I think that would clear the matter up.

MR. REID: I wonder if Mr. Ronson would tell the committee who the members of the Treasury Board are?

THE CHAIRMAN: We just had that, Mr. Reid.

MR. REID: I must have been out at the time.

THE CHAIRMAN: Yes. Order, gentlemen, please. Are you through with the questioning on that point?

MR. MACNICOL: No, I am not, Mr. Chairman.

THE CHAIRMAN: All right, go ahead Mr. MacNicol.

MR. MACNICOL: Because we have heard from both Mr. Ronson and Mr. Hoey again—Mr. Hoey has given it to us before—that is to me the whole crux of the matter—the lack of efficient administration on the reservations, without blaming anyone. I am not blaming Mr. Hoey. But Mr. Hoey himself is very emphatic in pointing out what he is up against; and he is surely up against a big problem when, as I

d a moment ago, you consider a large reservation or a reservation at ipewyan or far away out where an Indian agent is going to retire and does ire. Then that reservation with 4,000 or 5,000 souls on it has no head to look er all the matters which appertain to the human life on that reservation. at to me is a very serious point out there and perhaps more so on reservations e the Six Nations reservation, a large one.

Mr. FARQUHAR: We have agreed on how to overcome it, I think.

Mr. MACNICOL: That is what I am trying to bring out.

Mr. FARQUHAR: We have agreed on that.

Mr. MACNICOL: That is the important point this committee has to consider, to how it can be overcome.

Mr. FARQUHAR: I think the suggestion made by Mr. Harkness would overcome that, namely an amendment to the Indian Act so that the Indian agent be appointed before the outgoing agent leaves.

Mr. MACNICOL: Mr. Hoey may have no one to put in his place under present circumstances.

The CHAIRMAN: That could be overcome, I think, Mr. MacNicol.

Mr. MACNICOL: He advises that the farming instructor can not apply for promotion. He is not qualified.

The CHAIRMAN: Probably if we had a system of rotating Indian agents, it would help.

Mr. MACNICOL: How could you overcome that?

The CHAIRMAN: By rotating them. That is to say there would be a number of them all through the Dominion of Canada; one would go in for a certain number of years and another one follow him. That of course could be considered when we revise the Act.

Mr. MACNICOL: It is an important point, whether you want to shut me off or not.

The CHAIRMAN: I am not trying to shut you off, Mr. MacNicol. Do not misunderstand me.

Mr. MACNICOL: My point is the point that has been brought out, the question of the *immediate* filling of Indian agencies.

The CHAIRMAN: That is right.

Mr. MACNICOL: That is the important point, the filling of the agency with a competent official. Mr. Hoey has asked where he is going to get an official, and why is he going to get him; and in his distress he has suggested the farming instructor might be appointed. Then he has pointed out that the farming instructor cannot be appointed because there is no promotion in that department of the civil service.

Mr. FARQUHAR: I think we all realize the importance of that. When that change at Manitowaning was made, I had something to do with it; that is, the time the appointment was made and at the time Lewis went out and Johnston was appointed. That probably was the only time, although I do not know. But I had something to do with it at the time it happened.

The WITNESS: There are a number of reasons for delay which Mr. Hoey will know as well as I do. One is the necessity to have competitions under the Civil Service Act. That always takes a long time. They have to advertise and go forth. There are other reasons. Sometimes the department is not in a position to make an immediate nomination. Indian Affairs is not alone in that position. I am pointing out that if the position is a key one, if the position of Indian agent is a key one, this business of giving 6 months' leave has nothing to do with filling the vacancy.

Hon. Mr. STIRLING: Is there anything to prevent your proceeding through the Civil Service Commission to advertise for and obtain an Indian agent three months before the due date?

Hon. Mr. HORNER: Six months would be better.

By Hon. Mr. Stirling:

Q. Six months or whatever number of months is necessary; is there anything to prevent your asking the Civil Service Commission to find an Indian agent?
A. I am not sure of Mr. Hoey's position. In our own department we do it. I retired a chief dominion bookkeeper about a year ago. We gave him 6 months leave; as soon as it was possible and he went on leave down to Florida, started the wheels moving to provide a successor to him.

By the Chairman:

Q. But you did not do that until after he had been retired?—A. After he had actually left his office, but he was not retired. He was on 6 months' leave.

Q. Yes, but you see with the Indian agent it is not the same matter. The Indian agent is in charge of probably 5,000 Indian individuals.—A. Yes.

Q. When the Indian agent is retired, he goes off the job and then for a 6 months' period there is nobody there to take his place.

Mr. FARQUHAR: He goes off and stays off.

The WITNESS: I am assuming there is somebody in the Indian department.—I may be wrong—so that can be done.

The CHAIRMAN: We tell you that there is nobody in the Indian department.

Mr. MACNICOL: You have struck upon the point, Mr. Chairman.

By the Chairman:

Q. There is nobody in the Indian department to take over.—A. Eventually somebody will be selected.

Q. "Eventually". That is what we are trying to avoid—this matter of eventuality.—A. All right.

Q. It is not a matter of "eventually"; it is one of getting action *immediate*.

Mr. MATTHEWS: Mr. Chairman, I find it hard to get anything said having regard to all the commotion, but I want to suggest this. If an Indian agent is due to take superannuation on the 1st of October, a successor should be ready to take his place on the 1st of October.

The CHAIRMAN: That is exactly it.

Mr. MATTHEWS: Then I also want to ask a question of Mr. Hoey for the reason that I did not quite get his answer at the time. Why is it that a farming instructor cannot step in and take over these duties? I am asking for information purely; I am not arguing.

Mr. HOEY: Because a farming instructor is a ministerial appointment.

Mr. MATTHEWS: He is which?

Mr. HOEY: He is a ministerial appointment.

The CHAIRMAN: Appointed by the department.

Mr. HOEY: And while he qualifies for superannuation he cannot, under existing regulations, take part in a promotional competition.

The CHAIRMAN: In other words, Mr. Matthews, he is not civil service.

Mr. MATTHEWS: What I am getting at is this. Why cannot he act temporarily until the other fellow is appointed?

Mr. HOEY: Of course, there are important documents to sign and he just cannot work out adjustments.

Mr. RICHARD: If he resigns his position, would he be eligible to become an Indian agent?

Mr. HOEY: If the farming instructor resigned his position, which might be rather unwise, and he was a returned soldier and the position was filled by open competition, he may apply for it, yes.

Mr. RICHARD: Yes.

Hon. Mr. HORNER: Is there anything now to prevent you from proceeding 6 months before you know an agent is due for retirement? Is there anything to prevent you now from starting 6 months prior to the retirement date to secure an agent to take his place? Is there anything to prevent that now?

Mr. HOEY: We have followed established practice. I never heard until I came here to-day of these exceptions. I just have not the time at my disposal to go into these matters. But this practice has been long established, as Mr. Benson has pointed out, and the officials in the department follow the exact procedure and know that nothing can be done for 6 months. The man goes out and then in due course a submission is sent forward to the Civil Service Commission; then it is advertised and a competition is held, first at Ottawa and then rating boards are appointed through the dominion and ultimately the appointment is made.

Mr. MACNICOL: Perhaps a year after.

Mr. HOEY: Yes, perhaps a year or so afterwards. I think it is only fair to make this statement, that in the early '30s, during the period of economic depression, the civil service granted us the right of local selection, and it was comparatively easy to go out then and get a man to come in, although we could not give him any assurance that he was going to get this position. He was an unemployed man and would be glad to take over for six months. But you cannot do that to-day, with the labour market what it is. You simply leave our agency vacant; and that is disastrous from every standpoint, to leave a group of Indians without an Indian agent. There are family allowances where \$750,000 a year will be being disbursed to Indians. Many of them are paid through the Indian agents. Many of them are paid in kind. Things have got to be purchased. There are shipments of supplies—medicine and so forth—going out. There is nobody there to receive them. It is not an easy thing to ship a man out from Ottawa to Aklavik, or Fort Smith, Fort Chipewyan or Babine.

Mr. MACNICOL: And besides that, there was a suggestion made, as I gather from what you said, that the salary allowed for a farming instructor or assistant is so small that you cannot get the type of man to come in and fill that position that you would like to have; in other words, you would have to cut the whole salary scale of farming instructors and assistant Indian agents and of the Indian agents themselves to put the department in a proper situation.

Mr. MATTHEWS: In view of the statement of Mr. Hoey of the possibility of leaving thousands of Indians with no one at their head, I think this is a matter that calls for a very definite recommendation from this committee in its first interim report.

Hon. Mr. STIRLING: May I ask Mr. Hoey whether it has been his understanding hitherto that the Treasury Board stood in the way of advertising a vacancy in sufficient time to obtain a new man to step into the shoes of the man who was given his six months' leave?

Mr. HOEY: No, Mr. Stirling, I cannot think at the moment—if I could I could—I cannot think at the moment of a single case where we would attribute the delay to the Treasury Board. I do not know what the Treasury Board has to do with the appointment of an agent after a retirement. I do not think they have anything to do with it. It is the six months that has handicapped me—not the Treasury Board.

The CHAIRMAN: The question was brought up by Mr. Bland: "... have recommended to the Treasury Board that in such cases in order to speed up the procedure, the man that is retiring should be given a lump sum rather than be kept on the payroll for six months." That is where the whole matter was brought up. It is to be found on page 708 of our evidence.

Mr. MACNICOL: You put your finger on the main point of the whole administration, and now you want to pass on.

The CHAIRMAN: I think we have the recommendation, have we not? I am not correct please stop me. Is there any further comment on this?

Mr. MACNICOL: We were interrupted in the middle of something.

Hon. Mr. STIRLING: I think we have got to the bottom of this; we understand the situation.

Mr. MATTHEWS: I thought we were bringing the matter to a head.

Mr. MACNICOL: We want action. Now, the point is what can be recommended by this committee to relieve you (Mr. Hoey) of this dreadful responsibility, because it is a dreadful responsibility to have a vacancy in a large Indian reserve for six months. I would not want to have a responsibility like that. What do you suggest to the committee to speed that procedure up? You should have on hand a qualified man to go to that reserve.

Mr. HOEY: There are certain things that could be done. One recommendation we made to the Civil Service Commission was rejected. I think it was that we should have an Indian agent at large; that we should bring in a couple of well educated, fully qualified young men and give them a certain amount of training in each office, in the training, reserve, trust, and other divisions, to let them become thoroughly familiar with head office practice. Then when an agent retires at, say, Manitowaning or the Six Nations or any other point, that young man could go out and serve until a new agent is appointed, and he would gain a lot of valuable experience, and he himself would ultimately take over the control of an agency.

Hon. Mr. HORNER: He would be a relieving officer, would he?

Mr. MACNICOL: I am surprised that you asked only for one.

Mr. HOEY: We were told you could not have an Indian agent where there was not an agency.

The CHAIRMAN: Who told you that?

Mr. HOEY: I do not care to say—

Mr. MATTHEWS: How many Indian agents have you?

Mr. HOEY: One hundred. As far as the central office is concerned, there is no real hardship in the retirement of a man because his immediate associate can take over his duties and work a little bit harder, and I do not think the service suffers. But in the case of an Indian agency, I think a man should be appointed forthwith, or perhaps a week or two before the other man goes out. I think it is poor economy—I make this statement in the presence of a number of our senior officials this afternoon. This is what happens. An Indian agent goes out. Relief costs are high in the agency. A grade II clerk or a grade I clerk takes over. Immediately expenditures show a substantial increase. We would have no objection to that if we found that the officer in charge was capable of disbursing those moneys fairly equitably, but we have no such assurance that a grade II or grade III clerk understands an Indian agency. It is a big job to look after their trust funds—sometimes a million dollar trust fund. The Indian agent is banker, educationalist, agriculturalist, accountant and bookkeeper. The Indians come to his office. At a place like St. Regis on holiday you find the office surrounded by a dozen or more Indians possibly seeking advice from the Indian agent, and you cannot abandon those people.

period of six months. If you were saving money in that abandonment I might understand it, but I want to say to you this afternoon that you are wasting money; you are causing annoyance to the Indian and creating dissatisfaction such as Brigadier Martin referred to when he was here.

By Mr. Lickers:

Q. You say that this immediate appointment of an Indian agent would be in the public interest?—A. Yes.

Q. Will we get over the trouble with the Treasury Board if the only time we make possible an immediate appointment is when it is in the public interest?

The CHAIRMAN: What was that last remark?

Mr. LICKERS: I say the only time the Treasury Board does make an immediate appointment is when it is in the public interest.

The WITNESS: That is part of the answer. The Treasury Board is prepared to facilitate immediate appointment in the case of key positions where the public interest demands that there shall be immediate appointment, and we have never, as far as I know, in fifteen years refused a case like that.

Hon. Mr. STIRLING: Mr. Ronson has asserted that in his own opinion an Indian agent is a key position.

The WITNESS: Undoubtedly.

Hon. Mr. STIRLING: I think it is quite clear that the difficulty has nothing to do with the Treasury Board, but the difficulty lies in the Civil Service Commission, if difficulty there be.

Mr. HOEY: No. I would not blame the Civil Service Commission.

The CHAIRMAN: Is there anything in connection with the Treasury Board that you want to discuss on this matter? If not, there are many questions to be asked and there are only about twenty minutes left.

Senator Horner will move for concurrence in the minutes of the meetings of July 9, 11, 16 and 18, on which occasions there was not a quorum of senators present. He moves that the minutes and proceedings of those meetings be concurred in. Is that motion carried?

Carried.

Now, let us proceed with the next question. I have been holding off Mr. Bryce—

Mr. BRYCE: No. I do not think I want to ask any questions now. You have taken the place of a member sitting around the table and you are also acting as chairman, and you have a deputy chairman or a senior chairman. Why not let me and sit down here and ask your questions? Why should you occupy time asking seven questions. I do not think it is fair.

The CHAIRMAN: These were previously in the minutes.

Mr. BRYCE: I hope we will change that.

The CHAIRMAN: I am sorry if I have transgressed the rights of any member.

Mr. RICHARD: I do not think I will take Mr. Bryce's statement.

The CHAIRMAN: If you will permit me, Mr. Bryce, I will apologize now.

Mr. BRYCE: I hope so.

The CHAIRMAN: I think the procedure in the past has been—I know it was at the last meeting when I was not present—that the chairman asked a number of questions which had been collected by the clerk from the minutes of the preceding meetings. Now, following that procedure these questions were put to the chairman at that time and there was no objection taken. I merely followed that procedure, and if I am wrong I stand corrected. As far as I am concerned, this committee is going to be governed by its own procedure, and personally I have no voice. If you want to change any procedure you can change it, not I.

Mr. HARKNESS: I do not think there is any reasonable objection to the procedure. I believe it is a reasonable way to get out the information which has been indicated in past evidence we should get from a particular witness. I do not think there should be any objection in the world to this procedure. After you have asked those questions, if anyone else has questions to ask there is still time to ask them.

Mr. BRYCE: I do not often disagree with the committee, and what Mr. Harkness is saying may be all right, but we all know the chairman's job is to rule this meeting; it is not his place to be asking questions. It is his place to come in at the tag end of a meeting and ask some questions that have been overlooked.

Hon. Mr. STIRLING: That is what the chairman has been doing.

Mr. BRYCE: He asked a few questions and then he said, "I have several questions I want to ask." The chairman knew at a quarter past two that I wanted to ask a question.

The CHAIRMAN: I quite agree.

Mr. BRYCE: It is a quarter to four and you have not recognized me yet.

Mr. RICHARD: Is not the chairman entitled to ask questions just as well as anyone else?

The CHAIRMAN: Order, order. These are not my questions; they are questions which have been propounded in previous meetings. If you do not want them answered—

Mr. BRYCE: The members should ask the questions, not the chairman.

The CHAIRMAN: I was following the procedure followed at the last meeting. Why was not this matter brought up at the last meeting and the matter would have been settled then?

Mr. BRYCE: I thought you would rectify the mistake as you went along when you saw how the thing was going.

The CHAIRMAN: Now, gentlemen, if I have wasted two hours by asking ridiculous questions all I can say is that I am sorry.

Mr. MATTHEWS: The chairman has taken the trouble to prepare the questions and he should be thanked for doing so.

The CHAIRMAN: Do not thank me. These questions have been collected by the clerk, and I have merely followed the procedure of the past. If there was any question as to the procedure to be followed it should have been brought up at the opening of the meeting. There are still other questions in the minutes to be dealt with; but if you do not want to proceed that way it is all right with me.

Mr. HARKNESS: I move that we proceed.

The CHAIRMAN: Have you any questions to ask now, Mr. Bryce?

Mr. BRYCE: I said a moment ago that I am going to ask no more questions to-day. I tried for an hour and a half to ask a question.

Hon. Mr. STIRLING: Let us proceed, Mr. Chairman, on page 717.

The CHAIRMAN: Maybe it is just a little bit of heat.

Mr. BRYCE: I would like a square deal.

The CHAIRMAN: I do not think he intends that.

Mr. BRYCE: A man sits here an hour and a half and you recognize everybody else around the table; is that giving a square deal? Certainly not.

The CHAIRMAN: All I can say is that I am sorry, and I apologize.

Mr. BRYCE: Thanks.

Mr. REID: I think that if the chairman has questions to ask it should be asked out in the committee that he is asking those questions on behalf of the committee, and not personally. There seems to be a little fault on both sides. Chairmen, as a rule, do not ask personal questions. I took it that when the chairman asked questions he asked questions that had been chosen from the proceedings and he asked them on behalf of the whole committee. They were personal questions.

The CHAIRMAN: They are questions which already were on the minutes. I have asked no questions of my own.

Mr. MACNICOL: What are the remaining questions?

The CHAIRMAN: On page 718 there are some questions which I shall read:—

Q. Is there any appeal from a ruling of that Treasury Board official?

—A. Well, gentlemen, I have never found a very effective one. I wish you would tell me of one.

By the Chairman:

Q. Mr. Ronson, would you care to make a comment?—A. Only this. The Treasury Board officials do not make rulings; the rulings are those of the Treasury Board.

Q. Is there any appeal from the ruling of the Treasury Board?—A. Of course. It is the most common thing in the world to have departments appeal decisions of the Treasury Board, and frequently they are reversed.

Hon. Mr. STIRLING: Appeal to whom?

The WITNESS: To the Treasury Board.

By Mr. Harkness:

Q. Is there any appeal from the Treasury Board?—A. A minister will take the problem to council.

Q. That is the only appeal actually—to council?—A. I think so.

By Mr. MacNicol:

Q. Did the minister or anyone on behalf of the minister appeal the refusal to grant of \$800 to the Squamish Indian band?—A. Not to my knowledge.

Q. I think that was a great mistake.—A. I think we had no further communication about that decision.

The CHAIRMAN: Is there any further comment?

By Mr. Lickers:

Q. On page 168 it is given in evidence that the Department of Finance apparently fixes the per capita payments to the residential schools. Does that come under your jurisdiction?—A. As a general rule these per capita payments are decided on by the government when the estimates are under consideration, and the estimates are under consideration usually by the Treasury Board; but the decision is made as to a matter of that kind by the government itself in council—as a rule.

Q. And also it says that the per capita cost is decided by the auditor. Is the auditor under your jurisdiction?—A. I cannot understand that question.

Q. It is on page 168.—A. Does he mean the Auditor General?

Q. I do not know:—

We have approximately 76 residential schools in Canada. They are operated by the department in co-operation with the Anglican church, Catholic church, Presbyterian church and the United church. Our per capita grants range from about \$160 to \$250. These school payments

are audited by government auditors of the Department of Finance, in order to answer that question intelligently you would have to have the last audit statement from the Kamloops school. We had a certain grant there. I cannot tell you the exact grant at the moment. The difference between what we pay and what the per capita cost is, as decided by the auditor, represents the church's contribution.

—A. Who was the witness?

Q. Mr. Hoey.

Mr. HOEY: Our residential schools, Mr. Ronson, are audited.

The WITNESS: By a representative of the Auditor General?

Mr. HOEY: Yes.

The WITNESS: That is the answer to the question. The Auditor General is an officer of parliament.

By Mr. Lickers:

Q. The question of the fixing of payment also does not come under your department?—A. The amount of the per capita grant is fixed through the department by the Governor in Council. I take it that is not the point of the question here. It is the amount over the per capita grant—

Q. Your department would fix the per capita grants to residential schools?—A. Very often the question arises as to how much these grants should be—of course it is a large sum; I do not think I can quote it at the moment—but from time to time changes have been made in the amounts, usually on the recommendation of the Department of Indian Affairs. It seems to me that the last time the per capita grant was changed was about two years ago. That is where we would call government policy, and it is decided by council.

Q. The recommendation would come from the Department of Indian Affairs?—A. Yes, from the minister.

Q. I was wondering about that because from my personal knowledge I know that the per capita grants to Indian residential schools are small.—A. Yes.

Q. I have known of instances where the principal of a school has had to go to the bank and borrow money personally to finance the operation of the school until the next grant came through. I wonder if that comes under your department or not? I think it is something that should be recognized.—A. An expenditure over the per capita grant would be the responsibility of the church or school, would it not. Is not that the arrangement?

Mr. HOEY: Yes.

Mr. MACNICOL: I have a question I would like to ask but it might be out of order. Could we have any information as to the Treasury Board operations?

The CHAIRMAN: Have you another question, Mr. Lickers?

By Mr. Lickers:

Q. I just want to know whether the family allowances are under your jurisdiction?—A. There again, that is a question of what we might call public policy and would usually be decided by the Governor in Council, frequently but not necessarily on the recommendation of Treasury Board.

Q. Not on the recommendation of Treasury Board?—A. I say it might be on the recommendation of Treasury Board, but not necessarily.

Q. Would it be Treasury Board that made the decision that family allowances be not paid to children attending residential schools?—A. I think the decision was made by council, but I am not quite sure.

Mr. HOEY: No; that is statutory.

The WITNESS: Is it?

Mr. HOEY: Yes, that is statutory.

The WITNESS: I see. Mr. Hoey should answer that question.

The CHAIRMAN: Is there any further comment?

Mr. MACNICOL: I should like to know by what authority the school teacher, Mr. Lickers refers to was able to go to the bank to get the money to operate the school?

The CHAIRMAN: On personal security.

Mr. HARKNESS: His wages.

Mr. MACNICOL: Was it his cheque on his own personal account?

Mr. LICKERS: He had to give his own personal note for it.

Mr. MACNICOL: All I can say is that by and by when we have the administrator of education before us, we will have a lot of questions to ask about that kind of thing.

The CHAIRMAN: Are there any further questions?

Mr. MACNICOL: A good thing for us to do, Mr. Chairman, would be to invite whoever had to do with the education in residential schools, to come before us. We have a lot of questions to ask him.

The CHAIRMAN: If there are no further questions, we can dismiss the business. Then Mr. Ronson, I want to express the appreciation of the committee for your coming here and answering questions that were in the minds of the members of the committee. I want to express to you our appreciation. Thank you very much.

The WITNESS: Thank you, Mr. Chairman.

The CHAIRMAN: Our next meeting will be on Tuesday at 2 o'clock, gentlemen. It will be a meeting in camera to discuss the report of the committee to the House, or to both Houses; and to report also on the decisions of the subcommittee with respect to intersession activities.

Mr. MACNICOL: May I suggest that the subcommittee bring before the next meeting of the committee which will be in camera a typewritten program of typewritten minutes of each of the matters to be referred to, so that we will have it in front of us—principally your proposed report to the Commons.

The CHAIRMAN: Yes. There will be an interim report. I think it was generally hoped that the session of the Commons would end before the end of the month.

Mr. MACNICOL: Oh, it may end a week from Saturday.

The CHAIRMAN: I say it was hoped.

Mr. CASTLEDEN: That is very optimistic.

The CHAIRMAN: It is only hoped.

Mr. CASTLEDEN: Will my motion, of which I gave notice, be brought up again?

The CHAIRMAN: There will be a report on that. What was that, Mr. Castleden?

Mr. CASTLEDEN: My notice of motion regarding the subcommittee on treaty rights and obligations.

The CHAIRMAN: Yes.

Mr. CASTLEDEN: Is that at the next meeting?

The CHAIRMAN: Yes. All business before the subcommittee will be considered at the next meeting. It was tentatively, I was going to say expected. I would not say expected but rather hoped—that the next meeting will be the last meeting for the present session.

Mr. MACNICOL: I hope so.

The CHAIRMAN: If there is no further matter to be brought before the committee now, we stand adjourned until next Tuesday.

The committee adjourned at 3.55 p.m. to meet again on Tuesday August 13, at 2 p.m.

SESSION 1946

Government
Publications



SPECIAL JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

APPOINTED TO EXAMINE AND CONSIDER THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 21

Tuesday, August 13, 1946

REPORT TO THE SENATE AND THE
HOUSE OF COMMONS

APPENDICES

OTTAWA
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1946

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

Tuesday, 13th August, 1946.

The Special Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, met in camera this day at 2 o'clock p.m., the Joint Chairman (The Honourable Senator J. F. Johnston and Mr. D. F. Brown, M.P.), presided.

Present:

The Senate: The Honourable Senators Blais, Fallis, Horner, Johnston, Nicol and Taylor.—6.

The House of Commons: The Honourable Messrs. Glen and Stirling and Messrs. Brown, Bryce, Case, Castleden, Charlton, Farquhar, Harkness MacNicol, Matthews (*Brandon*), Raymond (*Wright*), Reid, and Richard (*Gloucester*).—14.

In attendance: (By leave of the Committee): Mr. Norman E. Lickers, Barrister, Counsel for the Committee and Liaison Officer.

Mr. Harkness, of the subcommittee on agenda and procedure presented the ninth (and final) report of that subcommittee.

After some discussion, in the course of which Mr. Castleden withdrew his notice of motion with regard to a subcommittee on Treaty Rights and Obligations.

On motion of Mr. Harkness, it was

Resolved: That the Ninth Report of the subcommittee on agenda and procedure be adopted and that the draft report of the Joint Committee (as amended by this meeting), which forms part of the said ninth report of the subcommittee, be adopted and presented to both Houses of Parliament as a Third Report of this Special Joint Committee.

At 3.45 o'clock p.m., the Committee adjourned *sine die*.

T. L. McEVOY,

Clerk of the Joint Committee.

NINTH (AND FINAL) REPORT OF SUBCOMMITTEE ON AGENDA AND PROCEDURE

TUESDAY, 13th August, 1946.

1. *Notices of Motion*

Your subcommittee has considered two notices of motion:

- (1) By Mr. Gariepy, that Mr. Raymond replace Senator Ferland on the subcommittee on agenda and procedure.

In view of the time remaining, it is suggested that Mr. Gariepy withdraw his motion but that, if necessary, he bring it forward next Session.

- (2) By Mr. Castleden, that a subcommittee be set up to examine and consider "Treaty Rights and Obligations".

Your subcommittee suggests, in view of the proposed Recommendation 4 to Parliament, that Mr. Castleden withdraw his motion but that, if necessary he present a similar motion to the 1947 Committee.

2. *Report to Parliament*

Appended is a draft Report to Parliament.

After very careful consideration your subcommittee recommends this Report for your consideration and adoption. In the opinion of your subcommittee the recommendations include all those which at this time should be presented to Parliament, in the light of the evidence which has so far been given before your Committee.

3. *Questionnaire re Intersessional Activities*

The Clerk has canvassed members of the Committee with regard to intersessional activities.

Unanimously, the Committee is in favour of visiting such Indian Reserves as are in or near their Division or Constituency. (See Recommendation 1 Report to Parliament).

Unanimously, the Committee is in favour of meeting in Ottawa at least two weeks immediately prior to the 1947 session. (See Recommendation 2 Report to Parliament).

Only with regard to a subcommittee visiting the Maritimes is there a divergence of opinion. Eleven "No"; 10 "Yes"; 5 doubtful; 8 blank. Accordingly no recommendation covering this matter is included in the draft report. It was thought best to leave a decision to the Joint Committee. Should the Joint Committee agree that such a visit is necessary, a recommendation to that effect should be included in your recommendations to Parliament.

4. *Appreciation*

Your subcommittee takes this opportunity to express appreciation and thanks to all who have assisted and co-operated in our work.

All of which is respectfully submitted.

J. FRED JOHNSTON,
DON. F. BROWN.

Joint Chairmen.

REPORT TO THE SENATE AND TO THE HOUSE OF COMMONS

THURSDAY, 15th August, 1946.

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act (Chapter 98, R.S.C., 1927), and all such other matters as have been referred to the said Committee, begs leave to present the following as a

THIRD REPORT

Pursuant to Orders of Reference dated (2), your Committee immediately commenced its sittings. From the outset it was apparent that our task could not possibly be completed during the present Session: that it would be impossible to devote any time to the consideration of individual claims, grievances or submissions advancing individual views or opinions.

The Committee, therefore, adopted a plan of agenda and procedure covering three Sessions of Parliament:

- 1946 Session, hearing of departmental officials;
- 1947 Session, hearing of Indian, church and other organizations;
- 1948 Session, revision of the Indian Act.

The Committee has held 25 meetings and has heard 16 witnesses including, in exceptions to the settled procedure, the President and the Treasurer, North American Indian Brotherhood; the Chairman of the Legislative Committee of the Native Brotherhood of British Columbia; and Brigadier O. M. Martin, Canadian of Indian ancestry, who is a Magistrate of the County of York (Ontario) Court.

The hearing of departmental officials has disclosed the necessity for certain immediate administrative improvements which can be effected without the revision of any existing legislation, and which, when put into effect, will remove some of the causes out of which have arisen grievances and complaints of many Indians.

In order not to break the continuity of the work envisaged by the Orders of Reference, your Committee hereunder makes certain recommendations to cover the period of the coming recess of Parliament.

Your Committee, therefore, recommends:

1. That the members of the Committee should voluntarily visit, during the coming Recess, such Indian Reserves as are in or near their Division or constituency;

2a. That at least ten members of your Special Joint Committee be empowered by Order in Council as a Commission to sit at such times as the said Commission shall decide at various places in the Maritime Provinces and eastern Quebec for the purpose of continuing the inquiry into and reporting upon all those matters mentioned in your Orders of Reference dated (2), which pertain to the Indian population within the said areas: to visit such Indian Reserves within the said areas as the Commission may decide to be expedient; to hear evidence of any person or organization who may be affected by the said Orders of Reference and who may desire to be heard by the said Commissioners; and that the said Commissioners be authorized to engage the services of counsel, secretary and shorthand writers to aid and assist the Commissioners in their inquiry.

2b. That the members of your Committee be empowered by Order in Council to sit in Ottawa as a Commission during the two weeks immediately prior to the opening of the next Session of Parliament, for the purpose of continuing the inquiry into and reporting upon all those matters mentioned in the Order of Reference dated (#), and to hear evidence of any person or organization who may be affected by the matters heretofore considered by your Special Joint Committee and who may desire to be heard by the said Commissioners and that the said Commissioners be authorized to engage the services of counsel, secretary and shorthand writers to aid and assist the said Commissioners in their inquiry;

3. That immediately Parliament next reassembles, a Special Joint Committee on Indian Affairs be constituted with powers similar to those granted your Committee on (#);

4. That, as the amount of work still necessary to be done by a Parliamentary Committee is of great magnitude, particularly with regard to Treaty Rights and Obligations, a small inter-departmental committee be set up to survey and report to your next Committee with regard to that particular subject-matter of our Orders of Reference;

5. That the Director of Indian Affairs Branch, Department of Mines and Resources, in conjunction with the Civil Service Commission and the Treasury Board, take immediate steps to fill such vacant key posts as Indian Agents and such other vacancies in Indian Affairs Branch which, in the public interest must be filled forthwith;

6. That the establishment for Indian Affairs Branch, Department of Mines and Resources, be increased to provide for the appointment of at least two Indian Agents at Large;

7. That consideration be given by the Civil Service Commission to the desirability of placing additional classifications of the Indian Affairs Field Staff under the provisions of the Civil Service Act;

8. That more direct methods be employed for the return of rentals collected on behalf of Indian lessors;

9. That the Indian Affairs Branch immediately undertake the drafting plans: (1) for the construction of such additional accommodation as necessary to relieve the present over-crowding in certain Indian day schools (2) to provide for the construction of such other Indian day schools as, in the opinion of the said Branch, are needed;

10. That as benefits have accrued to many Indians as a result of Fur Conservation and Development work undertaken by the Indian Affairs Branch steps be taken to extend the fur conservation and development programme in those provinces into which it has not yet been introduced.

A copy of the minutes of proceedings and evidence taken before the Committee is appended.

All of which is respectfully submitted.

J. FRED JOHNSTON,
DON. F. BROWN,
Joint Chairmen.

(#) Orders of Reference:
Senate: 16th May, 1946;
Commons: 13th May, 1946.

Adoption: Senate, 19th August, 1946.

Concurrence: Commons, 17th August, 1946.

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APPENDIX AC(1)

The Indian Association of Alberta thanks those members of Parliament who have taken an interest in the matters brought to the attention of the House and expresses its appreciation to the Director and staff of the Indian Affairs Branch for their co-operation during the past year.

The Executive Council is requested by the membership to forward this SECOND Memorial to the Government of Canada, to the Minister of Mines and Resources, and to the officials of the Indian Affairs Branch.

The war in Europe is over. The task of Rehabilitation has begun. The Indian Association notes with satisfaction that the Government is taking an active—and costly—share in the work of assisting the peoples of Europe, now freed from Nazi domination, to resume their normal lives; the tremendous task of feeding and resettling these peoples is being met with the best resources of the nation.

But, The Indian Association of Alberta respectfully points out that much work is to be done at home. Perhaps the work of Rehabilitation, like Charity, may begin at home where there is also great need of educational, social, and economic readjustment necessary on the various member reserves of the Association and among ALL Indians of Canada.

The Association recalls to the members of the Government the many representations made by letter and through the Press from such organizations as the United Church of Canada; Women's University Clubs; the Committee of the Friends of the Indians; the Provincial Federation of Home and School Associations of Alberta; and others; it recalls to the members that the needs of the Indian people of Canada should surely rank equally in the minds of the members and of the people of Canada with the needs of the Poles, Czechs, Jugo-Slavs, French, or any other peoples of Europe.

The Association now represents the combined and unified opinion of the Treaty Indians of this Province and 140 delegates representing twenty-seven major bands in this Province met June 29th and 30th, 1945, to co-ordinate their requests.

The Indian Association of Alberta requests a Royal Commission of Inquiry consisting of competent and informed persons, with a knowledge of, and experience with the Indian people, to investigate the needs of the Indians of Canada, to be appointed without delay.

This Royal Commission should have among its members, Indians; should be adequately financed; and should be empowered to visit All Indian reserves, and all bands of non-Treaty Indians. All organizations representing the Indians themselves, and all organizations and individuals interesting themselves in Indian Welfare should be called upon to testify before this Commission. Particularly, Indians themselves should be encouraged to testify freely and without fear of reprisal.

The Indian Association of Alberta requests a complete revision of the present obsolete Indian Act with consideration given to the Indians' suggestions presented by their accredited representatives. The new Act should be based upon the Four Freedoms.

In addition to the representations made above, the Indian Association of Alberta respectfully requests that careful consideration be given to these petitions here submitted.

1. *The Indian Act.*

(a) Whereas Section 18 of the Indian Act names the Superintendent-General as the final authority regarding the membership of any Indian Band, and,

Whereas such arbitrary power has no place in the legislation of any democratic country and,

Whereas many Canadians have given their lives in the recent conflict in Europe, and others will do so in the war against Japan, to defeat such dictatorial practices as that mentioned above, and,

Whereas Privy Council Orders No. 1172 and No. 1182, the case of the *Queen v. Howson*, 1 Terr. L. R. Page 492, and the report of the recent inquiry under Mr. Justice W. A. MacDonald in the Lesser Slave Lake area have been, and are being ignored.

Be it resolved that Section 18 of the Indian Act be amended to require the assent of a majority of the Band concerned before any expulsion from Treaty, or compulsory enfranchisement can take place.

Be it further resolved that all persons and their families expelled from Treaty under Section 18 be restored to Band Rolls and complete Treaty privileges at once.

Of recent years it would appear that a policy of searching for any persons who might conceivably, in the strictest legal sense, be ineligible for membership in any Indian Band has been carried on regardless of the hardship that might be imposed upon individuals and their families. Individuals who have been brought up as Indians and accustomed to the Indian's mode of life have been expelled from Treaty. It may well be that their grandparents or other remote ancestors were induced to accept scrip. The Indian Association submits that reasonable doubt as to the exact meaning of such acceptance existed in the minds of the original receivers; inexperience in the ways of the white man's world and complete ignorance of the white man's law still exists in the Indian and Metis mind. How much more so did they exist sixty years and more ago?

Policies similar to this have of recent years been universally disapproved by the civilized world. A war of extraordinary bitterness and destruction has been waged in Europe and the Rights of Man have received attention in the Press and in the minds of civilized peoples. Surely, with this in mind, the legislators will perceive the justice of our plea for the amendment of Section 18 of the Indian Act.

(b) Whereas the duties of Chiefs and Councillors are numerous and require a great deal of time, and,

Whereas carrying out these duties often causes unpleasantness for Chiefs and Councillors, and

Whereas for these reasons above, Chiefs and Councillors sometimes do not take interest in their duties,

Be it resolved that, in addition to the payments made to Chiefs and Councillors under the various Treaty agreements, Chiefs receive One Hundred and Fifty Dollars (\$150) per year, and Councillors receive One Hundred Dollars (\$100) per year.

Be it further resolved that such payments mentioned above be made from the Trust or Band Funds of the Band concerned, where such Trust or Band Funds exist, and from the General Appropriations of the Indian Affairs Branch when no Band or Trust Funds exist for the Band concerned. The present remuneration of Chiefs and Councillors, Headmen or Minor Chiefs is inadequate. Persons occupying similar positions of responsibility in other spheres are ordinarily paid a salary and mileage. On many Reserves, the duties of a conscientious Chief or Councillor interfere seriously with his work on his farm, trap line or with his nets. Yet his duties as outlined by the Indian Act are responsible. Performance of his duties naturally bring criticism from members of the Band, and often considerable resentment is expressed against him. The

result is that these duties are often performed in a half-hearted and inefficient manner; decisions which should involve consultations with the members of the Indian Council must be reached without proper understanding and often attendance since the remuneration is so slight. Situations inevitably arise which require that Chief or Councillor must neglect gainful employment to attend meetings. It is therefore, suggested that the above scale of remuneration be put in force to ensure efficient and interested performance of duty.

(c) Whereas Section 96 of the Indian Act provides for an electoral system of Chiefs and Councillors or Headmen, and,

Whereas the Superintendent-General is the final authority to sanction such elections,

Be it resolved that, at the request of any Band, an elective system for a term of THREE YEARS be put into force.

Be it further resolved that the Chiefs, Councillors or Headmen elected by the Indians of the Band concerned under such a system be the final choice.

Several delegates pointed out that a free electoral system did not exist and that the choice of the members of the Band had not always been accepted by the authorities. Chiefs who must face re-election at the end of a three year term will provide more efficient service to their people and will be likely to defend their people's rights and needs more actively. Undoubtedly, it is the intention of all Indian legislation to extend the principle of democracy. In all free elections, it sometimes happens that the choice of the majority is not always the choice of the authorities; an active opposition is generally conceded by constitutional authorities to be beneficial and a potent incentive to efficient government.

(d) Be it resolved that Indians resident upon any Reserve and members of that Band be entitled to receive full royalty rights to any precious minerals discovered on those reserves.

At the session of the Special Committee on Reconstruction and Rehabilitation, Wednesday, May 24, 1944, Page 280, we read:

Mr. MACNICOL: Are the minerals on the reserves the property of the Government?

The WITNESS: Only the precious metals; all other minerals belong to the Indians who own the land, or they belong to Canada in trust for the Indians.

See Indian Act, Sect. 2(j); Sect. 50: 2 and 2(a).

Inasmuch as the Indians have accepted or have been allotted these reserve lands in exchange for the tremendous acreage now settled and exploited by the whites, it would seem only just to assign to the Indians ALL natural resources of the reserves. It may be that the reply of the witness needs further elucidation; it may be that such precious minerals, when exploited, do carry royalty rights for the benefit of the Band. But, certainly, the matter requires complete explanation and a definite ruling. We are aware that oil, for example, brings both lease and royalty fees to the band concerned but what about gold, platinum, silver or any other "precious" metal?

(e) Whereas treaty Indians under Treaties 3, 6, 8, 11, are specially exempted from conscription for overseas service by virtue of certain conversations prior to the actual signing of the Treaties and

Whereas such practice constitutes undemocratic discrimination against members of the same race, occupying the same relative relation to the same government,

Be it Resolved that ALL Treaty Indians of Canada be exempted by an amendment to the Indian Act from conscription for overseas service.

The loyalty of the Indian people cannot be questioned. More than 2,500 young men and women from the reserves have served with efficiency and distinc-

tion in the war against Germany. Most of these have been infantrymen since educational training has been such that they are automatically excluded from the R.C.A.F. or the Navy. It is the confirmed belief of the members of the Indian Association that when they promised to lay down arms at the signing of the Treaties that they were not expected to be forced to take up arms again. The fact that such matters were not specifically included in other conversations obviously suggests that the idea of the Crown to which they were pledging loyalty would certainly not use legal means, without consulting them in any way, to enforce conscription. They are not so stupid that they do not know of the preferential treatment accorded such immigrants from central and eastern Europe as are the Hutterites and Mennonites.

Voluntary enlistment is another matter. It is in complete accord with the ancient and traditional freedom of the individual. The figures quoted above will show that the Indian people, as a whole, have responded magnificently. As "wards" of the government, surely they are entitled to treatment accorded to groups who have not, on the whole, through their opposition to education and taxes, shown any particular desire to make returns for the privileges of exploiting the agricultural wealth of the country—which was in no way theirs.

There is moreover, the precedent of 1917 which provided exemption for Indians from compulsory service. In view of the fact that the war in Europe is over, surely people's minds are sufficiently clear to recognize the justice of this petition for exemption from conscription for overseas service.

(f) Whereas Indians are entitled by Treaty to certain rights and,

Whereas changing times may endanger these rights,

Be it Resolved that all rights and privileges guaranteed by Treaty be reaffirmed.

Indians were guaranteed among other matters, rights to their reserves, to medical service, to hunting and trapping rights, to education, to freedom from taxation. The Indian Affairs Branch has at various times seen fit to encourage sale and lease of Indian lands. This policy has not taken into consideration the fact that since the turn of the century the Indian population has increased; neither has it considered the many restrictions placed upon Indian hunting and trapping by Federal and Provincial regulations.

The policy of decreasing all alienations of Indian lands undertaken recently by the Indian Affairs Branch is very commendable. The members of the Association express their appreciation of this interest in their welfare.

But the many plans for post-war immigration, for land settlement, etc. have given rise to fear that this policy of retaining all present lands may be circumvented. Educational and medical service have, for some time, lagged behind a desirable standard. The burden of indirect taxation has been heavy; the burden of direct taxation bearing upon moneys earned outside the confines of the reserves has been heavy. Moreover, such statements as those on Page 280, Minutes and Evidence of the Special Committee on Reconstruction and Rehabilitation, May 24, 1944, "The Indian reserves were not designed to support the Indian community;" and other statements regarding reserve policy have created a feeling of uncertainty.

Again, the regard for international treaties among the various nations of the world has not tended to inspire any degree of confidence in the value of a treaty. Therefore it is our petition that the Treaty rights made under the various Treaties be reaffirmed.

11. Education.

(a) Whereas educational service has been guaranteed by Treaty, and

Whereas educational systems, however efficient at the time they were inaugurated, become inadequate for the needs of people in a changing world, and,

Whereas no province in Canada has retained without revision an educational system nearly 75 years old,

Be it Resolved that properly equipped, modern day schools, under properly certified and trained teachers, be established and maintained entirely at the expense of the Federal Government upon the following reserves, and in sufficient numbers to meet the needs of the reserves concerned:

- | | |
|------------------------|-----------------------|
| a. Samson, #137 | f. Pigeon Lake, #138A |
| b. Saddle Lake, #125 | g. Bulls, #138B |
| c. Goodfish Lake, #128 | h. Pauls Band, #133A |
| d. Michael, #132 | i. Alexander, #134 |
| e. Enochs, #135 | j. Alexis, #133 |

It is apparent that day schools can best serve the educational needs of many reserves to-day. In some cases the only available schools (residential) maintained by the Indian Affairs Branch are at long distances from the homes of the children. In earlier days the residential school served a useful purpose and, indeed, was by far the best type of school for the needs of the people.

The Association understands that it is the policy of the Indian Affairs Branch to establish a more extensive system of day schools as soon as war conditions admit obtaining materials necessary. The war in Europe is over and consideration can now be given to the needs of the reserves which have long required day schools. The Indian Association of Alberta petitions, therefore, that day schools as outlined above be established for the reserves indicated.

It is a general principle that education is a threefold responsibility—school, home, and church. Day schools can best serve this threefold principle. Conditions are now such that a flexible curriculum, adaptable to the needs of the students, can be established. Teachers might well be civil servants and engaged in welfare work. As civil servants they would have the encouragement of better salaries, promotion and pensions after a period of years; as welfare workers, they would be able to combat many evils which arise when the child, at sixteen, is released from institutional life and goes home to the reserve or out to work. The churches have repeatedly brought these dangers referred to, to the attention of the Indian Affairs Branch.

Insufficient time and funds are available under the present system to educate the Indian child as he deserves and has a right to be educated.

Indian parents can now educate children in the household and farm duties, no longer a feature of the residential school. Parents moreover have a right to the company of their children, and a right as parents to supervise their home life. The present system has been compared very aptly to the life of a calf of a dairy cow. The calf is separated from its mother soon after birth; it is fed by a stranger and in a short time is completely out of touch with its mother who neither recognizes it nor is recognized by it.

The day school can concentrate upon its proper function, academic or trades training. Instead, at present, approximately three years of the school period bring no academic results. This conclusion can be established by consultation with the figures released in the Annual Report which shows that the "drop-off" in school attendance comes at Grade Six.

Inasmuch as an increasing number of progressive Indian parents are seeking the right to withdraw their children from the residential schools in the areas referred to above and to enter their children in municipally operated schools, shows that there is an appreciation of the merits of day school education. The progress of these children who are attending municipally operated schools compares favourably with that of their white schoolmates. Any idea that the average Indian is less naturally equipped with native intel-

ligence than the average white is psychologically unsound. This has been demonstrated in the United States. Progress made among the Maoris in New Zealand or among the tribes of Soviet Russia lends incontrovertible evidence to the conclusion.

It is respectfully submitted that Indian students in day schools make faster progress than those in residential schools and acquire facility in the use of English much more readily.

The Indian Association admits that life on certain reserves makes day schools impracticable. There the residential school can continue to operate. On other reserves, a semi-residential school could permit children to spend the weekend with their parents.

The Indian Association therefore submits that, in any revision of Indian education, a threefold plan may be followed:

A. On the reserves above, day schools should be put into operation

B. On other reserves, such as the Stoney Indian Reserve at Morley, where the reserve is so completely inadequate that it is impossible for the Indians to remain on the reserve and stay alive, the residential school is the only present practicable solution.

Certain other reserves expressing a preference for the residential school should be allowed to retain such service with properly increased per capita grants to allow the management of the school to render the educational service it would like to do.

Some residential schools will have to be maintained to accommodate orphans or the children of widows or widowers who are unable to provide proper home surroundings.

C. A semi-residential school, properly financed and equipped, should be maintained during the transition stage or where parents are at home part of the time. The children in such a school may be permitted to spend the weekends and short holidays with their parents.

These various schools are functioning with signal success in the United States now, often all types on the same reserve. Canada surely is no less capable of inaugurating and maintaining a reformed system of Indian education.

It is also submitted that under the present system, Indian children are being deprived of their legal rights. The family allowances are payable to Indians as well as to Chinese or to white children. But, because he is forced to attend a residential school, the Indian child is deprived of his share of the family allowance from the age of seven years to age sixteen.

If he does not attend school, and there are many schools too small to accommodate the children of school age on the reserve, he is likewise ineligible—because he is not at school.

Thus, the Indian child is caught on the prongs of a double fork, no matter what he does.

It is submitted that such a state of affairs can be simply and easily remedied, so that the Indian child may receive all the benefits intended by the Family Allowances Act.

(b) Be it resolved that Indian children attending any Indian day school be required to attend classes for the full school time.

(c) Resolved, that all Indian children of school age be freely admitted to any educational institution regardless of their religious denomination.

At present there are in Canada many "white" schools, of the day school type, which offer religious education at certain periods of the week and excuse from these periods of religious instruction children of other denominations. Inasmuch as each reserve has at present, either resident or visiting clergy, there is no reason to suppose that when day schools are set up these clergy may not provide religious instruction to the children of their respective faiths at certain

periods provided for the same. Religious education is essential as a part of any general education, and may be provided as it is now provided in many "white" schools under the various school acts of the provinces.

(d) Resolved that the school grants (per capita) be increased in the residential schools to \$300 per child per annum, the same to be used for better educational facilities and services.

The value of the residential school is fully recognized and certain reserves have expressed a preference for this type of school. But the present per capita grant of \$170 per annum and \$15 extra as cost of living bonus is totally inadequate. No school can function on approximately sixty cents per day per child. It is doubtful whether any private home can provide the services the residential schools have to provide for a similar sum. Government audit figures will show the cost far above the per capita grant provided. The government has failed in its duty by thus throwing a large portion of its responsibility upon the churches concerned with Indian education and upon charitably minded persons.

It is degrading in the extreme that principals of Indian schools should be compelled to beg from charity in order to maintain services, buildings, and staffs.

In the United States, grants of \$335 per capita are paid for the maintenance and education of the resident pupils. The argument that funds are not available is no longer tenable in view of the expenditures necessitated by the war. Purely education for life is as important as education for destruction, however dreadful wars may be.

With such an increased grant, the schools could furnish more practical training in home making for girls, and trades education for boys; training in practical and useful skills; blacksmithing, woodwork, leather work—as now list in syllabuses could be made realities. Training in craft work, now so incompetently handled in a limited way by Miss Moodie of the Indian Affairs Branch, could be developed and would go far to restore racial pride and self-respect to the Indian.

(e) Whereas the present practice of making school boys work on the school farm without wages is equivalent to child labour, and whereas such practice seriously interferes with their education, be it resolved that all students at all Indian schools spend full time in the classroom.

The time for such a practice is past on many reserves. There is a greater need of academic education unless Indians are to be intentionally maintained as an inferior race, capable of only manual and casual labour. Indian children acquire these skills at home, in a more practical fashion. This half-time work is educationally unsound and psychologically wrong, for it defeats the very purpose of class room instruction. If the performance of such labour is essential to the maintenance of the school, then other means should be found for achieving the same end. Except in war time, labour has been available at reasonable wages to perform such tasks. Such labour could be readily found on the reserve itself at reasonable wages. No white parents would tolerate for an instant such a form of education. Why should Indians be forced to submit? One answer is that school grants are inadequate to maintain the school.

The time has come when Indian schools should educate. Only by the assumption by the government of its acknowledged duty and responsibility can this be achieved.

(f) 1. Whereas a number of children from various reserves are attending day schools located in school districts outside of the reserves, and

Whereas costs of tuition for the above children are being now paid by the parents of the children concerned, and

Whereas free education is promised by Treaty,

Be it Resolved that, pending the establishment of the day schools on reserves as requested in resolution (a) (Education), the Indian Affairs Branch

assume these costs now borne by the parents of children attending schools (public) outside the reserves.

As we have mentioned, there are many instances of children attending "white" schools because of the acknowledged superiority of such schools. Moreover, as this can be regarded as a temporary measure pending the establishment of reserve day schools, assumption of these tuition costs would result in saving money for the Indian Affairs Branch. These costs are less than the present per capita grant. In this province, children from one school district attending school in another district have tuition costs paid by their home district. These costs rarely exceed for the elementary and intermediate schools, thirty dollars per year. Rather than deprive the Indian child of educational advantages obtainable in these schools, rather than deprive the child of its parents' society, rather, if one must put it this way, than spend the larger sum, surely the Indian Affairs Branch can assume this cost if only as evidence of governmental responsibility for Indian education.

(f) 2. Be it further resolved that any or all Indian children be allowed to attend outside day schools, when possible, until the reserve day schools are established. (Reasons explained above.)

(g) Resolved that all Indian children who have the talent and ability for class room studies be given greater encouragement to attend High Schools and Colleges with adequate maintenance supplied at the expense of the Federal Government (Indian Affairs Branch).

Too few talented Indian children receive enough encouragement and opportunity to prepare themselves for higher education. The small per capita grant, the system of half time work in the present Indian schools, the defeatism of the "sixteen-year-old" limit at present generally imposed, all work against further education of Indian children. The Indian Affairs Branch provides grants for such higher education and has gone on record as not opposing such grants for talented children. But, these grants are rather difficult to obtain, and often, when they are obtained, are inadequate. A modern city high school charges usually a rising scale of fees, from \$70 per annum to \$100 per annum to children coming from outside districts. In addition, board and lodging, laundry, books, clothes, are all essential costs. Few Indian parents are so happily situated economically in this province as to be able to bear all these extra costs.

Indians who have been able to obtain higher education have been as successful as the average white, often more successful since the motivation was stronger than in the white child who has come to take higher education as a matter of course.

Such educated Indians could be brought into the Indian service by inducements similar to those prevailing in the United States. Surely an educated Canadian Indian is as capable of being an Indian Agent as his American brother, or, for that matter, as are many of the officials now in the Indian service. Certainly his efforts would have a better chance of success since he would be an Indian and thereby inspire greater confidence than any white man, however eager and conscientious.

That grants are available should be given greater publicity among worthy Indian students so that they might be prepared adequately for entering white high schools or similar institutions. At Browning, Montana, high school, this year, half of the graduating class and most of the prize winners were from the reservation.

(h) Whereas the Alexis Reserve No. 133 (Lac Ste. Anne) has no Band or Trust fund from which to assist members of the Band,

Be it Resolved that the school graduates, both boys and girls, from this reserve, be given special assistance by the Indian Affairs Branch when they reach school leaving age, in order to assist them in starting out in life.

It would appear that certain bands are accustomed to make some provision for the young men and women starting out in life. This seems to have been in the way of horses, etc. for the boys and household goods for the girls. Where adequate Band funds are available, this is a simple matter. But where no funds or inadequate funds exist, equable provision should be made by the Indian Affairs Branch from its general appropriations.

(i) Be it Resolved that adequate provision be made to the schools concerned so that winter clothing of better quality, including underwear, shoes and caps, be supplied the pupils at the St. Albert and Ermineskin schools.

In view of these representations and in view of the representations made by various interested organizations, the entire system of Indian education is in need of revision. Most provincial systems of education have been revised within the last ten years; in fact, most of them are completely revised at regular intervals.

A commission of competent, and practical educationists could be appointed to study the needs of the Indian education system. Now that the war in Europe is over, and the war in the East may be ended at any time, preparations should be made for such an inquiry; moreover, since the Education and Welfare Branch of the Indian Affairs Branch has expressed a desire to furnish better and more educational facilities in the way of Day Schools and Welfare and Guidance Officers, the Indian Association of Alberta urges the implementation of these facilities at the earliest possible moment. In the meantime, human intelligence is being wasted which might contribute much of value to the life of Canada as a whole.

III. Social Services.

(a) Whereas Indians have been declared British subjects for the purpose of Military Service, and

Whereas Indians are subject to all indirect taxes, and

Whereas members of any other races in Canada are eligible for the benefits of Old Age Pensions, Widows and Mothers' Allowances, Indigent Relief and other Social Benefits, such as Aid to the Blind,

Whereas Indians receive only rations under a system which is unsatisfactory and issues of clothing, etc. on an unsatisfactory basis,

Be it Resolved that the Federal Government extend to Indians the benefits of Old Age Pensions, Aid to the Blind, Indigent Relief, and any and all other Social Benefits as may be provided from time to time by legislation for British subjects.

The Indian seems to occupy a strange position in that for certain purposes he may suddenly become a British subject and be eligible for say military service, or income tax when working off his reserve, or Unemployment Insurance charges. However, when social benefits are necessary, he becomes something else, and is declared a "ward of the government" and therefore ineligible.

Family Allowance Benefits have been extended to the Indians only partially. For nine years of his life, the Indian child receives no benefits because he is, presumably, in an educational institution. Yet many children cannot be placed in school because schools have no room for them. But he is still ineligible. Surely such discrimination was not the intention of the House of Commons which framed this Bill.

Certain social benefits, we are aware, are conferred by Provincial Governments. Here again the Indian is discriminated against because he is a charge of the Federal Government. But the fact remains that he is living in the Province concerned, and that there is discrimination.

We are aware that special cases brought to the attention of the Indian Affairs Branch receive consideration, but why should it so often be necessary

to bring these cases to the attention of the authorities whose responsibility they are?

It would appear also that much of the cost of relief is charged against Band or Trust Funds where such Funds exist. In the case of white recipients of the Old Age Pension, the costs are charged against the individual property of the recipient if he has any property. But in the case of the Indian, any special payments are charged against COMMUNITY PROPERTY.

The Association has been informed that, when Old Age Pensions were first introduced, it was decided NOT to award them to Indians because of "difficulties of administration". Yet in the United States ALL Social Benefits are shared by Indians. Is Canada so deficient in administrative ability that no scheme has been devised? Is Canada unable to discover how these benefits are administered in the United States?

This matter was urged in the Memorial presented last year by this Association, but as yet, little action, beyond individual cases has been taken. A scheme, national in scope, and flexible enough to meet local needs, is surely not beyond achievement.

(b) Whereas Treaty Indians are at this time not eligible for Old Age Pensions, and

Whereas Treaty Indians are in some instances owners of property OUTSIDE Indian Reserves and pay taxes upon this land like any other tax payer, and

Whereas many Treaty Indians while retaining their interest, equity and membership under Treaty within certain Bands on reserves, must of necessity of livelihood live elsewhere than upon reserves,

Be it Resolved that all such Treaty Indians, described above, be eligible for and receive Old Age Pensions immediately they have reached the age of eligibility.

Here again, is the anomalous situation of Indians being forced to seek their livelihood off the reserves provided, being forced to pay direct and indirect taxes, and yet, when they become too old to work, they are ineligible to receive anything but the rations and issues of discarded military clothing and blankets.

(c) Be it Resolved that all destitute, infirm, blind, or otherwise needy Treaty Indians and their dependents be maintained at the rate of thirty dollars (\$30.00) a month each at the expense of the Federal Government.

It is well known that many persons who all their period of service with the Government have received large salaries for their services have also been awarded good pensions at the expense of the Canadian taxpayer. These pensions have enabled them to pass their declining years in comfort, as they should be entitled to do. Yet the original possessors of the country who have surrendered their claims for certain rights in the various Treaties are expected to subsist upon beans, rice, meat compound, and second grade flour, etc. as rations.

This Association maintains that all old and infirm and needy persons should be maintained comfortably, including Treaty Indians.

Moreover, within our knowledge, certain aged Treaty Indians have for many years been forced to live off the reserves because of the inadequacies of these reserves. Because they do not live on the reserves, they do not receive regular rations. In other words, the practical application works out this way. "Live here, or else!" If the Indian Affairs Branch were adequately financed by the Federal Treasury, it would not be forced to permit such cases to exist.

Surely the enormous responsibility of the Indian Affairs Branch, and its tremendous administrative requirements merit the restoration of a separate department of Indian Affairs. There seems little reason why a perhaps temporary economy should become a permanent one.

7. *Reserves.*

(a) Whereas there is at present a heavy demand for lumber, and Whereas Paul's Band No. 133A have a good stand of merchantable timber, Be it Resolved that this Band be permitted to bring into the Reserve, a sawmill and realize upon this timber at present prices.

Be it further resolved that each individual be permitted to sell one-half of the lumber so obtained.

Here is an opportunity to establish one of those co-operative enterprises successful among Indians in certain parts of the United States. Particularly successful are those enterprises at Red Lake, Minnesota, and on the Menominee Reservation in Wisconsin. Similar selective logging enterprises could be successfully adopted in Canada to the benefit of the Indians concerned, rather than permitting exploitation by private individuals which would bring only exhaustion of the resource concerned.

There is no doubt that with the success of various fur operations already secured, many others could be established; Morley Reserve, in the North Saskatchewan Valley, and elsewhere.

(b) Resolved that all Indian reserve land in Alberta should be in the possession of the Indians themselves and for their use.

In the past certain Indian lands have been leased on long term leases to white individual ranchers and farmers. From these fees, substantial sums have been added to the various band funds. However, with changing times, much of this land could be put to use by the Indians themselves, who are desirous of increasing their own herds of cattle beyond the limit now set by these alienated lands. Recovery of these lands would mean a chance to bring more land under cultivation, or, if the land was grazing land, would permit the Indians to increase their herds.

The Indian Affairs Branch has been steadily decreasing the number of sales of Indian land. Such a measure cannot be too strongly commended.

This Association wishes to go on record as opposed to any further alienation of Indian land for any purpose whatsoever—whether a post-war immigration scheme, land settlement scheme, or any other purpose.

As an alternative, recovery of the lands now held under lease by whites is highly desirable. The Indian population is gradually increasing and time may show that some of the reserves will be overcrowded. Therefore, it may be necessary to increase the acreage now in some reserves.

There is considerable fear that, under the pretext that the Indians are not putting the land to use, outside groups may attempt to acquire further reserves or to purchase Indian lands. The Association trusts that the Indian Affairs Branch will continue its policy of decreasing sales and leases of Indian land.

As leases now expire, the lands should be returned to the Band for its own use. Given more practical supervision and encouragement than they have been given to this time, the Indians themselves could put these lands to good use and develop themselves to a higher state as agriculturists.

(c) Be it resolved that the locals of the Samsons Band go on record as being infinitely opposed to any surveying of any land within the Reserve of their Band.

Indian lands in the United States were often too much subdivided with the result that great difficulty arose in an attempt to recover some of the allotments for community use. Again, it is feared that municipalities adjacent to reserves may force the survey and construction of roads across the reserves by subdividing the Reserves. Unanimous opposition to any such surveys is expressed.

(d) Be it resolved that all leasing of farm lands on the Bulls and Pigeon Lake reserves, No. 138A and No. 138B, be discontinued. (See argument above.)

(e) Be it resolved that, at the expense of the Indian Affairs Branch, a study of lands on all reserves in Alberta be made by a board of competent and practical Indian and white farmers to find out how vacant lands on the reserves might best be developed by the Indians and for the Indians under intelligent and co-operative supervision.

In any rehabilitation project, efforts should be made to have accurate and complete information. Many Indians have now proven their ability as farmers and stockmen, and in view of the increasing Indian population more land should be brought under cultivation. Practical farmers who have farmed land themselves understand conditions and possibilities thoroughly and are competent to make the study suggested. In the past the policy of leasing land to individuals or groups formed the transition phase from the Indians who were buffalo hunters to the Indians of to-day. It is recognized that all men, whatever their race, are not agriculturists any more than they are professional men, but many younger Indians to-day are capable of becoming expert farmers under a land development scheme. More practical encouragement and assistance is required than has always been available in the past. To determine the resources of each reserve, how these resources may be best developed to benefit the Indians on that Reserve should be the object of this board. Much of the effectiveness of the result will depend upon the skill and character of the farm instructors; the Association believes that there are available a number of competent Indians who have successfully operated farms and herds of their own who would be available under such a development as is here urged. They, too, would enjoy the confidence of their fellow Indians to a greater degree than could any white man.

(f) Whereas a survey of the Goodfish Lake Reserve No. 128 was made in the year 1886, and

Whereas a second survey made in 1916 shows that sections 5 and 6 Twp. 61, R. 12, West of the 4th Meridian, were no longer part of the reserves,

Be it resolved that a resurvey be undertaken at the expense of the Indian Affairs Branch following the lines of the original survey of 1886.

(g) Resolved that the Saddle Lake Local of the Indian Association be supplied with a copy of the original agreement covering the surrender of certain portions of the Saddle Lake Reserve No. 125 in 1925.

A copy of this original agreement is urgently desired by the members of this reserve as efforts to obtain one in place of one lost or accidentally destroyed have failed, and some confusion appears to exist with regard to this matter. On several occasions, there has been need to refer to the terms and contents of this document, and it has been unobtainable. It is felt that a copy should be in the hands of the people most concerned.

(h) Whereas when the Alexis Reserve No. 133 was set aside, the Indians were given to understand that a full township or an area of 36 square miles would be set aside for their reserve, and

Whereas the surveyed reserve does cover such an area,

Be it resolved that this reserve be resurveyed at the expense of the Federal Government in accordance with the originally suggested plan.

(i) Whereas the people on Alexanders Reserve No. 134 have too few horses and no proper machinery for road-building, and

Whereas the roads on this reserve are often impassable, delaying doctors and other essential travellers,

Be it resolved that a proper system of roads and ferry approaches be established and maintained by the Indian Affairs Branch.

Every reserve should be at least accessible to ambulance service or motor traffic so that a doctor summoned to an emergency will not be delayed. It is true that roads cannot always be passable everywhere in the country, but it is vital that trunk roads at least should be maintained. When it is necessary to summon a doctor from many miles away, and when a hospital is not situated near the reserve, roads should be made available so that patients can be reached before it is too late. Doctors serving the needs of Indian reserves, like any other physicians, may be summoned very long distances (Elkington Agency) and should be able to reach their patients. Where Band Funds are available, roads can be opened, or trails can be kept up, at the expense of the Fund. However, when neither the money nor the machinery is available on the reserve, that assistance must come from elsewhere. Roads in the municipalities nearby, and ferries, should be maintained either by the municipalities or the Provincial Government; it should be possible to open up reserve roads:

(j) Whereas the present Stoney Indian reserve cannot, and has not since 1890, supported the Indians of this tribe, and

Whereas this fact is known and admitted by the Indian Affairs Branch, and Whereas we have been assured that this matter has been, and is being given careful consideration by the Indian Affairs Branch.

Be it Resolved that a speedy settlement of this state of affairs be made at the expense of the Federal Government.

This reserve has never been satisfactory. As early as 1890, families were asked to leave the reserve and seek the very food they ate, elsewhere than upon the reserve. It may be argued that this location was a bad choice in the first instance. It is even less creditable, then, to the original Commissioners, who certainly should have been able, with all their background of experience, to foresee what such a choice would lead to. At the time of the signing of Treaty No. 7 at Blackfoot Crossing, certainly no Indian Chief present could be expected to envision what the next fifty years would bring forth. Game was still plentiful; the buffalo still were on the plains; fur was reasonably obtainable. Forest reserves, National Parks, and settlement to the very borders of the reserve, the laws—all were beyond the Indians' imaginations. Therefore the onus should lie upon the Commissioners who negotiated the Treaty, to protect these people.

The land is hopelessly infertile, a very thin layer of soil over bed rock, a gravel bottom of a long since vanished river, steep foothills up which a motor vehicle cannot climb, and deep narrow coulees between the hills. Of the entire reserve, only a few hundred acres can raise hay or coarse grains for winter feed. Gardens have about a 10 per cent chance of surviving either frost or drought. Yet this reserve is set aside for more than 700 people.

Grazing possibilities are poor and almost 50 acres of land per head of stock required. This is hopelessly uneconomic.

Agents and others have done their best and are to be commended for attempting the impossible. Yet this reserve remains one of the national disgraces of Canada. Forest reserves and National Parks have made it impossible to hunt game for food and to trap for fur. White competition in trapping, and the sportsmen in hunting are taking the food out of the mouths of Indian children. The very sources of livelihood of the Stoney people have disappeared.

Little or no schooling was available on this reserve from the closing of the MacDougall Orphanage (so called) in 1908 until the opening of the present school in 1926. Therefore, many Indians have been deprived of any opportunity to learn English or to adapt themselves to white man's ways. Is it any wonder that relief expenditures are very high per capita on this reserve?

Enforced idleness or hard manual labour at fencing, land clearing or haying among white farmers when such manual tasks are available, is the lot of these clever hunters and trappers. The very fact that this tribe was able once

to survive between the powerful Blackfeet on the one hand and the powerful Crees on the other, bespeaks a high grade of intelligence and diplomacy in pre-white-man days.

Rehabilitation at once is essential before the Stoney are worn out by poverty. Inasmuch as the government is quick to assist the now liberated peoples of Europe, or the harassed people of Britain proves that sympathy for human misery is strong in the hearts of Canadians. Surely funds can be found to adjust the misery of the Stoney people so that they may have at least the chance to rehabilitate themselves through grazing and agriculture.

(k) Whereas certain Stoney Indians have for 50 years lived in the North Saskatchewan Valley west of Nordegg, Alberta, and

Whereas the lands here are the earliest and original settlement and hunting grounds of the Stoney Indians, and

Whereas these people have established homes and a means of living in this area, and

Whereas they are the descendants of families who were really starved off the Stoney Indian Reserve at Morley from 1890-95,

Be it Resolved that the Federal Government arrange with the Provincial government of Alberta to set aside a suitable area where they are now living for a reserve for these people.

Be it further resolved that this reserve include the land here described: "from the village of Nordegg due North to the Brazeau River, from thence westward to the summits of the Rockies, thence southward along the summits to the point where the Clearwater River comes out of the mountains, thence along the Clearwater River to a point due south of the village of Nordegg, and north to the village of Nordegg."

Be it further resolved that a sub-agency be set up, with medical and school services for the needs of the Indians on this proposed reserve.

These Stoney Indians have maintained themselves here since about 1890 trapping and hunting, and working in the settlements to the east of their present location. Such an area as this described would be ideal for a game reserve and fur project. Authorities agree that Indians can be excellent conservationists for they are such by nature. Indians, unlike white men, have never destroyed any species of animal. The buffalo supported a large population until the white hunters destroyed them. Of late years it has been necessary to enact very strict game laws for the preservation of wild life and set aside forest reserve to save the forests from destruction. The Indian Affairs Branch already operate several flourishing fur projects. In this area, natural hunters and trappers accustomed to forest life could very well under supervision, set up similar successful projects.

It is true that Forest Reserves are now under Provincial administration and game laws are enforced by Provincially appointed game wardens. It is also true that provision was made when the natural resources were turned over to Provincial administration that arrangements were made to provide for the future needs of Indians. These Indians live in constant fear of eviction from their homes. One of the Four Freedoms was Freedom from Fear. Will this principle be applied at home in Canada?

Like their tribesmen at Pekisko they cannot be sent back to Morley Reserve to starve, or to live on rations between available jobs at the heaviest manual labour. The situation has been too long neglected and daily grows more difficult of settlement.

(1) Whereas certain other Stoney Indians have been living in and about Pekisko, south-west of High River, Alberta, for many years, and

Whereas they have been satisfactorily employed by ranchers in that area and

Whereas very suitable land can be purchased for a reserve in this district

Be it Resolved that a suitable reserve, with sub-agency, school and medical services be established without delay in this district for the Stoney Indians living there.

This branch of the tribe has adapted itself very competently to life as stockmen. Several are the trusted employees of ranchers thereabouts. These ranchers are anxious to retain the Indians in that place but believe that they should be provided with a reserve where they may build homes and develop small herds of their own. Numerous representations have been made to Ottawa regarding a reserve for these people so far without success. It is recognized that setting up another reserve may increase administration staffs, but it has been recently necessary to set up services for the Sunchild Band of Crees and Chippewas who recently took treaty at Rocky Mountain House.

Another matter affecting both the Stoneys in the Nordegg area and in the Pekisko area is the matter of education for their children. The residential school at Morley, in both cases a long way from where these two groups are living, is not large enough to accomodate the children of school age who are registered as members of the tribe. Of sheer necessity, between 50 and 60 children of school age are being denied even the rudiments of education. Only through education and decent economic circumstances can any group of people be expected to make progress. If it is the wish and intention of the government to assist the Indians towards better social and economic circumstances, funds should be made available to the Indian Affairs Branch to settle this problem. Bricks still require the chemical equivalent of straw.

(m) Whereas many agencies are located at points distant from certain portions of the reserves, and

Whereas an Indian having business at the Agency must sometimes spend the equivalent of two days in travelling to and from the Agency,

Be it Resolved that the Agencies be sufficiently staffed to permit continuous office hours between 9 a.m. and 5 p.m. throughout the ordinary business week.

Indians are still compelled to travel mainly by wagon or saddle horse. When an Agency is as far as 30 miles from the homes of numbers of Indian (Hobbema Agency; Edmonton Agency) and office hours are of necessity in the mornings only, two days are required to reach the office, transact one's business with the Agent and return home. This often seriously interferes with whatever work the Indian is doing. Agents and their present staffs are naturally very busy; in view of the constant references to the necessity of full employment in the post war period, agencies could be staffed to permit ordinary business hours.

V. Health and Medical Services.

(a) Be it Resolved that there be established and maintained at the expense of the Indian Affairs Branch, a properly equipped and modern hospital on the Hobbema Agency.

This Agency has a population of from 1200 to 1300 persons. Wetaskiwin, the nearest point at which there is a hospital, is twelve or more miles from the nearest Indian home. This too is a municipal hospital which is not completely at the service of the Indians. The Agency has a resident nurse but no form of transportation seems to be provided for the use of sick Indians. It is quite safe to say that more than one case has been seriously complicated by the delay entailed under present conditions.

The Indian Affairs Branch has expressed its intention of extending the medical service to Indians and has already taken over several former military hospitals in remote areas. This excellent program, coupled with the study of health needs in the North West Territories, should be extended to the Hobbema Agency.

Undoubtedly military needs have lessened the number of doctors and nurses available for the past six years. With the prospect of the end of the Japanese War, an opportunity will arise to make available the services of many experienced doctors and nurses. The needs of the Hobbema Agency are urgent.

(b) Be it Resolved that the Hobbema Agency be at once supplied with the services of a resident doctor.

The population of this Agency, as pointed out above, is large enough to warrant the services of a full time doctor and hospital. At present there is unavoidable delay in getting either medical or hospital treatment, but the war time emergency is rapidly becoming less urgent. Doctors are at present unable to come on call but illness does not always appear in the doctor's free moment and on occasion, Indians have had to engage private means of transportation to reach medical service.

The importance of a vigorous health policy is being recognized and much of the dread of hospitalization is passing away. The value of a hospital and physician in maternity cases is being recognized. Still, tuberculosis is too common among the Indians. An adequate and vigorous health service can do much to wipe out the plague at its source.

In this connection the needs of the Edmonton agency and of the Stoney Agency were brought to light. Several of the reserves of the Edmonton Agency are situated so far from the doctor's residence—sometimes 40 miles—that emergency cases cannot possibly receive proper attention. At the Alexander reserve of the Edmonton Agency the lack of roads further complicates the matter. The services of more than one physician are needed to give proper health attention and health education.

At the Stoney Agency, there is a good hospital but no resident doctor. *During the war double service had to be done by the doctor at Sarcee Agency 50 miles distant.*

The Association urges that, with the release from military service of many doctors and nurses, the Indian Affairs Branch undertake a vigorous campaign to obtain adequate medical and hospital service not only for curative but for preventive medicine as well. With an active health campaign, and with the success of health services on other reserves, disease could be checked to a large extent.

The Association urges that these matters of health and medical service receive careful consideration because of their urgency to the reserves concerned.

VI. *Trapping and Fishing.*

(a) Whereas in many lakes in Alberta, commercial fishing is carried on, and

Whereas many of these lakes are adjacent to Indian reserves,

Be it Resolved that the Indian Affairs Branch obtain a separate fishing quota for Treaty Indians on those reserves adjacent to these lakes.

This problem is particularly acute with regard to Pigeon Lake, but pertains also at Lake Wabamun, Lac Ste. Anne, Goodfish Lake, Cold Lake, and other lakes where there is good commercial fishing. Figures were tabled showing the relative and gross catches of Indian and white fishermen. These indicated that the Indian fisherman was at a distinct disadvantage. There is no reason to dismiss this fact by belittling the Indian fisherman; such an excuse proves nothing. Since so many Indians engage in fishing for a livelihood rather than for a temporary vocation and are dependent upon fishing for much of their income a separate quota for Treaty Indians would be of material assistance to their welfare and prosperity.

While actual regulation of fishing is a matter of Provincial regulation the welfare of Indian fishermen is a Federal matter and the influence of the Indian Affairs Branch could be exercised to benefit the Indians. Little supervision

seems to be exercised over the number of fishing permits issued to white fishermen—possibly a matter of securing fees—while some supervision is exercised over the gross poundage of the catch. Consequently the lakes may be open for fishing for only two days in either the winter or spring seasons.

Comparison between the average catches of the white and the Indian will show an almost incredible advantage for the former.

(b) Whereas in the past Treaty Indians living adjacent to and bordering on the Northwest Territories, prior to the establishment of the present Northwest Territories as a separate area were accustomed to trap in the area known now as the Northwest Territories.

Be it Resolved that all Treaty Indians living adjacent to and bordering on the present Northwest Territories be eligible to receive trap lines in the Northwest Territories.

Indians will for many years yet be dependent upon trapping for a livelihood. This is especially true in the northern parts of this province and in the Territories. Since the welfare of Indians is the responsibility of the Federal Government definite steps should now be taken to protect the Indian against unfair white competition. The use of airplanes by white trappers may become common after the war so that trap lines of tremendous length may be efficiently covered. The Indian trapper who is unfitted to make his living otherwise will suffer in consequence. A policy should be laid down now and strictly adhered to—that Indian trappers should have preference over white trappers everywhere since a white man is capable of making his living otherwise. If necessary trapping areas should be set aside for Indians alone or trap lines purchased for their exclusive use. Such expenditure would be wise in the long run, or relief charges will become increasingly large if no protection be given.

(c) Resolved that from March 1 to May 1 each year the Treaty Indians of Alberta be permitted to kill muskrats for food and fur.

Be it further resolved that the Treaty Indians of Alberta be allowed to sell the pelts obtained as above to any fur buyer in the Province of Alberta.

While several reserves are strongly hoping that very soon the Indian Affairs Branch will establish fur projects upon their reserves, they wish to make clear that they do not waste either fur or meat in the case of muskrats. Until such time as their economic condition is so improved that they do not have to rely upon such sources of food, they wish to point out that they are in a situation different from the white trapper who traps for profit only. They have never been known to destroy game or fur-bearing animals as has the white trapper but have always been strong conservationists.

(d) Whereas the Indian Agent at Saddle Lake Reserve issues the fishing nets usually during the month of November, and

Whereas this late delivery of fishing nets by the Agent entails the backing and seaming of these nets when the weather is turning cold thus creating a hardship especially for the older people,

Be it Resolved that fish nets be issued on or about October the first.

II. Warrants.

(a) Whereas in certain Agencies, the Agent lives at a considerable distance from certain reserves in the Agency, and

Whereas it is therefore very difficult and inconvenient to obtain travelling warrants in cases of emergency particularly,

Be it Resolved that all Treaty Indians in Alberta, upon application be issued transportation identification cards which, upon presentation to the Station Agents or Ticket Offices, will entitle the holder to the reduced fares granted Treaty Indians in this province.

Such a method would simplify the present cumbersome system of personal application to Agencies or Inspectoral Offices. There is also some variation in procedure for some ticket agents will grant these reduced rates upon presentation of the Treaty card of the Indian; others will accept the registration cards as evidence; still others will accept only the warrant issued by the Indian officials.

Moreover, *conductors on trains are not authorized to sell tickets to passengers who present only the warrant. Many stations in Alberta do not have ticket agents especially in remote areas.* Thus Indians are sometimes compelled to pay the full rate instead of the reduced rate.

It is therefore argued that for the convenience of both the Agencies and the Indians themselves that transportation identification would be advantageous. It might even be possible to restrict the use of such cards, to use only once a month, but in other places this would work an inconvenience if not hardship upon the Indians who are accustomed to make use of the better shopping facilities of the larger centres.

Similar arrangements could be made with the bus companies since travel by bus now extends to all parts of the province.

VIII. Finance.

(a) Resolved that the residents of the Peigan Reserve may obtain from the Indian Affairs Branch a loan of no specified amount, the proceeds to be used for farming, cattle raising or purposes related to the same vocations; the loan should be extended over a period of five years.

IX. Permits.

(a) Whereas certain individual Indians have reached a high state of competency as farmers and ranchers, and

Whereas all Treaty Indians may transact business only by official "permit",

Be it Resolved that, with the approval of the Band concerned, these Indians referred to above, be granted permission to transact their business without permits.

Generally speaking, permits should be retained for the protection of Indians. There are however, certain members of various reserves who by their industry and capacity, have become very competent business men. Such men are discouraged by being held to the level of the least capable Indian on the reserve.

It may be argued that granting special privileges will arouse envy and cause internal strife upon the reserve. On the other hand, it is an equally sound argument that the less competent Indian will be encouraged to do better. The progressive Indian will be encouraged to use his own judgment and initiative and will not be subject to the whims of an official who may possibly be less astute in business affairs than the Indian.

The Association wishes to make it clear that such restrictions should be removed only in special instances and with the approval of the majority of the Band to which the applicant belongs.

X. General.

(a) Be it Resolved that each Local of the Indian Association of Alberta be supplied by the Indian Affairs Branch with a copy of the Annual Report of the Branch, with a copy of the Auditor-General's Report on the Indian Affairs Branch and with a statement of the expenditures of the Band Funds of the Local concerned.

It is a recognized business procedure to provide such reports to persons interested. All companies and corporations supply their shareholders with similar reports. There seems no logical reason why Indians should not be provided with the reports of the Department which is concerned with their welfare.

(b) Whereas Canada is the only member of the British Commonwealth of Nations that is without a distinctive flag of its own, and

Whereas the members of this Association are loyal, native Canadians who are as proud of their Homeland as the loyal citizens of New Zealand or Australia are of theirs, and

Whereas the Prime Minister of Canada, the Right Hon. W. L. Mackenzie King has from time to time publicly acknowledged this deficiency in Canada's autonomy, and has promised that it shall be rectified,

Be it Resolved that we urge upon the Prime Minister of Canada and upon the Federal Government, that they implement the promise of a distinctive and authentic Canadian Flag at the earliest possible time.

(c) Whereas the present system of appointing Farming Instructors is generally unsatisfactory, and

Whereas the present farming instructor at Saddle Lake Reserve is unsatisfactory,

Be it Resolved that competent qualified men who can meet the demands of the positions be appointed to fill this post.

Farming instructors should be Civil Servants and appointed in the usual channels by the Civil Service Commission. In this way, more competent men would fill this responsible position, for it is a job that demands a high degree of knowledge and skill, along with strong and well-defined traits of good character. The most successful Farming Instructors have been those men who disregarded their personal comfort and were busy early and late, supervising, encouraging, and assisting the Indians. Such men should be field men with practical experience in agriculture and stock-raising, with some knowledge of the particular needs and requirements of the Reserve upon which they are working.

The Indian Association of Alberta wishes to express its appreciation for the courtesies and co-operation shown by the Officials of the Indian Affairs Branch during the past year. As a democratic organization, representing the majority of Treaty Indians in this province, the Indian Association knows that it is speaking with the unified voice of those Indians. Certain well-defined objectives in economics, education, health, and general policy has been satisfactorily established to the accomplishment of which the Association, through its Executive Council, will continue to direct its efforts.

In presenting this Second Memorial on Indian Affairs, we express the hope that, through the co-operation of the members of the House of Commons, these objectives will become realities. In any period of transition and rehabilitation, many acute problems will arise, many of them seemingly difficult of settlement. However, with the continued confidence of its members, with the continued co-operation of all interested persons and departments, we feel that all problems will be resolved in the near future. We thank you for your consideration.

THE INDIAN ASSOCIATION OF ALBERTA,

JOHN LAURIE,
Secretary.

539-18th Ave., N.W.,
Calgary, Alberta.

APPENDIX AC(2)

1. Report on building available on Louis Bull Reserve No. 138B.

The building is 18 x 22 x 9 with gable ends extra. There is no foundation. There are 4 windows, 2 doors, one in the main building and one in the porch. The building needs dropsiding on the outside on all four sides. The doors should be replaced. There is no barn, and no facilities for preparing a hot lunch. The building is sufficiently close to the white settlement that a teacher could board among the whites. The Indians will furnish transportation daily for the teacher and will supply transportation for the students. There are several good carpenters on the reserve who could repair the building.

Children not attending school as at January, 1946

Violet Bull, 8 years
 Andrew Shortneck, 12 years
 Jerry Shortneck, 4 years
 Doris Rabbitt, 9 years
 Clara Rabbitt, 4 years
 Jennie Brown, 8 years
 Solomon Bull, 5 years
 Reda Bull, 3 years
 Simon Twins, 6 years
 Robert Roasting, 13 years
 Herman Roasting, 4 years
 Ernest Monias, 8 years
 Ida Monias, 3 years
 Robert Threefingers, 8 years

Sarah Bull, 9 years
 Louis Shortneck, 9 years
 Leonard Rabbitt, 11 years
 Dorene Rabbitt, 5 years
 Ruby Brown, 4 years
 Mary Brown, 12 years
 Joe Brown, 8 years
 Lena Bull, 4 years
 Joseph Crane, 7 years
 Violet Roasting, 6 years
 Alex White, 9 years
 Lucy Monias, 5 years
 Isabelle Deschamps, 3 years
 Bella Threefingers, 6 years

Attending School

Mary Jane Brown, 15 years
 Rosie Brown, 11 years

Enias Brown, 13 years
 Irene Brown, 8 years

School Children at Ma-Me-O Beach—No. 138A

Ernest Firestone, 7 years
 Albert Yellowbird, 3 years
 Robert Roasting, 9 years
 Jackson Rhone, 6 years
 Ida Rhone, 9 years
 Jensen Rhone, 3 years

Jimmie Yellowbird, 6 years
 Shirley Roasting, 5 years
 Carl Roasting, 13 years
 Violet Rhone, 7 years
 Gladys Rhone, 5 years
 Percy Williams, 8 years

Attending School

Reda Roasting, 11 years
 Dorothy Roasting, 11 years

Celilie Roasting, 15 years

Ma-Me-O Beach is also a resort where there are white residents who are permanent residents apart from the summer visitors. Many of these have families and at present these children must also travel long distances to school.

The white residents are petitioning the Provincial Government for a school and have expressed their readiness to admit any and all Indian Children resident thereabouts. In fact, they appear eager to have them. The Provincial authorities have expressed their willingness to admit Indian children, if such a school is established, if the proportionate expense is borne by the Federal Government.

It would therefore appear that with co-operation between the Indian Affairs Branch and the Provincial Department of Education that a combined school could be established to the mutual advantage of the Indian and white residents.

The Indian Association respectfully urges that the matter be at once taken up with the Provincial Department of Education so that this school may be established without delay.

3. *Pauls Band No. 183A.*

(a) Children of School Age who were not attending as at January 1946. Edmonton (Protestant School) and at St. Albert R.C. School.

Charlie Bearhead	Joseph Samuel Paul
Lawrence Rabbitt	Mary Louisa Paul
Wallace Simon	Mary Adams
Harry Simon	Julia Rain

(b) Children attending the Edmonton (Protestant) School.

Rooderick Burnstick	Dorothy Adams
Herbert Rabbitt	Sophie James
John Bearhead	Alice Adams
George Rain	Effie Bull
Peter Rain	Clara Rain
Ben Adams	Sarah Rabbitt
Peter Bird	Louisa Adams
Eddie Adams	Jane Bearhead
William Bird	Helen Bull
Josie Potts	Lottie Rain
Joseph Rabbitt	Nancy Bearhead
Gordon Rain	Nancy Rain
Jerry Burnstick	Jack Bearhead
Gerald Bird	Lawrence Bird

Most of these children would attend a day school. This Band is very anxious to have a school established as soon as possible since they are most dissatisfied with the Edmonton School and the distance that these children are from home.

(c) Children attending the school at St. Albert (Roman Catholic):

Ernest John	Robert Rain
Bellican John	Sophie Rain
Stanley Alex	Bella Rain

At the village of Duffield which is situated on this reserve there is a white school. This school, however, is unable to accommodate more pupils. The I.A.A. suggests that with co-operation between the Indian Affairs Branch and the Provincial Department of Education an addition could be erected to accommodate the children from the reserve. Or, failing that, an Indian day school should be erected on this reserve. A school would have a settling effect on the reserve and would lead to a development of this reserve—a matter long overdue.

Goodfish Lake No. 128

Children from this reserve at present attend three schools, the Edmonton Residential School, the Blue Quills Residential School, and the Wayetanow School, the latter a "white" school, located near the reserve.

The chief sources of complaint from the members of this Local of the Indian Association of Alberta are:

1. The distance to either Edmonton or St. Paul des Metis.
2. The children are disrespectful to their parents and disobedient.

3. The children are poorly clothed at the residential school, particularly Edmonton.

4. The half time work system retards progress and finally completely discourages the children themselves from further studies without substituting an interest in place of the interest in learning.

5. Children who are removed from the residential schools and sent to day schools are put back a grade or two, indicating that standards are not maintained in the residential schools according to the grade indicated.

6. Segregation of the children in Indian residential schools is not in the best interests of Indian welfare. Indian children should be educated along with white children for the best interests of both.

7. School nurses, employed by many school divisions, could check the health of Indian children.

8. Parents are not informed of their children's illnesses.

9. Children attending day school near the reserve can speak much better English than those who attend the residential schools.

10. Overcrowding in the classrooms and mass instruction retard the brighter child and render valueless whatever English he may have learned at home before going to school.

11. Institutional discipline is over severe.

12. Bullying and, in some cases, other difficulties of a moral nature, are prevalent in residential schools.

Children from 4 to 8 years of age:

John Cardinal	Erastus Favel, 11.
Charlie Cardinal	Richard Favel
Kathleen Cardinal	Silas Favel
Solomon Cardinal	Ernest Favel
Maggie Jackson	Harriet Halie
Lora Hunter	Florence Favel
Edgar Sparkling Eyes	Edwin Favel
Henry Sparkling Eyes	Amelia Doghead
Sylvia Jackson	Moses Jackson
Cola Jackson	Lloyd Jackson
Harvey Wood	Harry Sparkling Eyes
Elsie Wood	Marcus Sparkling Eyes
Myrtle Jackson	Allen Hunter 14
James Jackson	Betsy Houle
Betsy Jackson	Thomas Houle
Marie Cardinal	Francis Houle
George Cardinal	Jean Hunter, 14
Annie Ballhead	Wilfred Houle
Dorothy Hunter	William J. Houle
Zaccheus Cardinal	Carl Seenum
Francis N. Bernard	Maria Halfe
Jimmie Favel 14	

Children attending Wayetanow School outside reserve.

Jack Cardinal, (V. Good) Gr. 5
Emma Favel, (V. Good) Gr. 4
Raymond Sparkling Eyes, (V. Good) Gr. 4
John Wm. Whitford, (V. Good) Gr. 4
Edward Jackson, (Good) Gr. 2
Peter Jackson, (Good) Gr. 2

(Grading by Mr. H. Ostapew, teacher in Wayetanow School.)

Children from Residential Schools whose parents prefer Day School.

Alfred Jackson	William Whitford
Elizabeth Jackson	Ralph Whitford
Mabel Jackson	Katie Houle
Annie Jackson	Dora Houle
Violet Wood	Allen Houle
Connie Jackson	Frances Seenum
Adeline Jackson	Violet Seenum
Rena Jackson	Verona Seenum
Billie Jackson	Pearl Seenum
George Breast	Harrison Bull

Blue Quills School.

Ruby D. Bull	Evangeline Cardinal
Angus Halfe	Mary Cardinal
Elizabeth Houle	Beatrice Cardinal
Maria Houle	Delia Cardinal
Nathaniel Houle	Sarah Cardinal
Josephine Sparkling Eyes	Caroline Cardinal
Margaret Sparkling Eyes	Leonia Cardinal

With a school population of this number, this reserve requires either a centrally located school of several rooms with additional rooms for vocational training and home economics or a number of day schools. A dispensary might well be attached as facilities for transportation of the children from their homes to the school as one the Blackfoot Reserve at Browning, Montana. There must also be a small emergency ward and facilities for a hot noon day meal, the latter of course a matter which would give point to training in home economics.

5. Beaver Lake Reserve No. 131.

Children from 4 to 14 years of age.

Flora Gladue	Lena Gladue
Phillip Gladue	Mary Mountain
Lena Gladue	Rema Mountain
Reda Gladue	George Mountain
Eva Lewis	Lena Cardinal
Sarah Lewis	Raymond Cardinal
Percy Lewis	Sarah Bearskin
Alphonse Layman	Julia Bearskin
Gilbert Louis Bearskin	Alfred Frenchman
Norma Bearskin	Louise Frenchman
Wilma Bearskin	Leon Frenchman
Rema Frenchman	Jimmy Cardinal
Emma Bearskin	Emery Cardinal
Willie Gladue	Renie Cardinal
Charlie Bearskin	Ernest Cardinal
Delia Smallface	

These children are not at present at school at all. To send them away many miles from their reserve to a school which is at best difficult to reach is so far from the wishes of the parents that the children are receiving no education at all.

Here, a one-roomed school would probably be sufficient with a teacherage and dispensary and facilities for a hot meal at noon. The people on this reserve

are prepared to construct even a log school house in order to have a day school for the children. They would no doubt also arrange some form of transportation for children to ensure punctuality and regularity of attendance.

6. Saddle Lake No. 125.

While many of the families here resident go away trapping a large number of children are permanently resident on the reserve. As this is a large and progressive reserve, one of the most advanced in the province, day schools could be put into operation with greater chances of success than on most others. In each case, the reality of a day school would have a settling effect on the inhabitants which should be an advantage to all concerned with the welfare of the Indians. In the case of this reserve, several day schools would be required to accommodate all the children but the area is sufficiently large anyway that, several schools would be in no way different from the procedure followed all over Canada in the case of the white schools. These Indians, under Treaty Six, had a suggestion that, as soon as they were settled upon their reserves, teachers would be sent among them.

Augar—

Lloyd,
Eva Jean,
Moses,
Willie.

G. Cardinal—

Mina.

L. Cardinal—

Raymond,
Clark,
Reta.

M. Cardinal—

Victoria,
Lena,
Jean.

R. Gladue—

Joseph
Irene
Gabriel
David
Mary Louisa.

R. Houle—

Josephine
Agnes.

J. Large—

Helen,
Simon Pat,
Ernestine,
Jas. Lawrence,

P. Mamnock—

Esther,
Emily.

M. Quinn—

Eva,
Bertha,
William.

H. Quinny—

Baptiste,
Charlotte,
Sylvia,
Charles,
William.

J. Samson—

Mary Jane,
Irene.

F. Shirt—

Mary Ida,
Jenny Maria,
Ursula G.
Lillian Margaret,
William L.

N. Cardinal—

Raymond.
Albert Jas.,
Clara Rose,
Veronica.

E. Cardinal—

Howard,
Jane Louise,
Eva,
Annette,
Lydia.

N. Crane—

Mervin.
Wilfred.
Leonard,
Richard,
Percy.

Wm. Steinhauer—

Harrison Pierre,
Mildred,
Henry Ronald,
Rosy Nancy.

M. Steinhauer—

Robert,

Ida,

Dorothy,

Roderick.

J. Whiskey Jack—

Christina,

Donald,

Josephine,

Albert,

Alec.

T. Wasatinwa—

Jean,

Francis Jas.,

Ralph,

Mary.

Jas. Whiskey Jack—

Ann Dorothy,

Bella,

Ben.

M. White—

Diom,

Mary Rose,

Julian.

H. Steinhauer—

Eva,

Arnold,

Lloyd,

Henry H.,

Rena V.,

Melvin,

Marvin.

The children above listed are those of parents who were not away trapping at the time. Probably as many more were absent.

7. Winterburn No. 135.

8. Alexis No. 139.

9. Alexander No. 134.

All these reserves of the Edmonton Agency also wish to have day schools established. They are of the opinion, especially Winterburn, that they are able to remain at home and to have their children brought up at home.

Children attending residential schools are deprived of the benefits of the Family Allowance under the terms of the Act. If they were attending day schools at home, they could receive these Family Allowance Benefits, and, as these benefits are withheld in the case of irregular attendance, the desire to receive them would be a strong incentive to regular attendance.

For all these above, residential school accommodation is not on the reserve; the fact that children must be sent away, works a distinct hardship upon both parents and child. All possible benefits of adult education through a close link between home and school are lost.

In all it would appear that the strong demand for day schools throughout the Edmonton and Saddle Lake Agencies would indicate that the residential school system has outlived its usefulness as an educational benefit.

10. Sarcee Day School.

(1) This school is poorly housed in a dilapidated residential school, which later became a hospital. So much repair would be necessary that it would be an advantage in the long run to erect a new building. The present building is too expensive to operate.

(2) The present site is a long way from any centre of population. The School Acts in various provinces regulate the distances children may be expected to travel—usually 3 miles by surveyed road allowance. Many children at Sarcee must travel as much as five miles. This in itself is dangerous in winter in this province.

It is recommended that a day school be erected, at a more central point with relation to the residences of the people and that a suitable teacherage be placed close to the new day school.

It is further recommended that arrangements be made so that the children attending may have a hot meal at noon. This is an almost universal practice in the "white" schools of this province and there is no reason

why Indian children should be subject to discrimination. Brothers and parents of these children fought overseas for the white as well as the Indian people, and their children are entitled to the best that any receives.

The school is capably conducted at present by a properly trained certificated and experienced teacher whose services should be retained. Miss Timms should also be entitled to the pension benefits accruing to teachers in Alberta under the Provincial Scheme.

11. *Michels No. 132*

1. Only a few orphans are now attending the Indian School at St. Albert. The others are attending, at their parents expense, white day schools in the Sturgeon and Stony Plain School Divisions. They are making good progress, equal to that of the white children attending the same schools.

2. In spite of several recommendations made by the Association, the Indian Affairs Branch has steadfastly ignored the situation and has consistently neglected to act, even on its own initiative in rectifying this state of affairs. There is no excuse for further delay with regard to the educational services required by this reserve.

3. It is recommended by experienced educationalists that the matter be no longer neglected but that construction of a suitable, well equipped day school begin at once. This is not a matter of experimentation; it is an accomplished fact and an educational necessity. The matter should be no longer ignored by those in charge of education for the Indian people.

4. It is further recommended the Agent of the Edmonton Agency be requested to ascertain the fees paid by these parents to the Sturgeon and the Stony Plain School Divisions and to have these fees paid by the Indian Affairs Branch to these School Divisions, from the opening of school in September, 1946.

APPENDIX AC (3)

St. Cyprians School—Brocket Peigan Agency.

It is recommended that repairs be undertaken at once as follows:

1. The water seepage from the well into the school basement should be stopped.
2. The plaster throughout the school should be renewed.
3. The pillars in the boys play room should be renewed.
4. The leaking roof of the girls' dormitory should be replaced by a new one.
5. Two exits from the dormitories should be installed as the danger of a disastrous fire is very great. All public buildings except Indian schools, are apparently required by law to provide a proper number of safety exits. This matter in view of the fact that this is a frame building and certainly a menace, should receive immediate attention and not be allowed to go on throughout another school year. Responsibility for the lives of the children rests directly upon the Indian Affairs Branch. Further neglect may have serious results.
6. The girls' play room is badly lighted and receives no direct sunlight. The importance of sunlight for health is widely recognized. Why should it be denied Indian children who need it more than others?
7. This school might well be turned into a semi-residential school permitting the children, dependent upon good behaviour, and co-operation in returning children to school at the proper times, to spend all regular vacations, national holidays and weekends at home.
8. It is further recommended that two teachers be employed at this school as the burden is too great for one.

Sacred Heart School—Brocket Peigan Agency.

1. This is a fifty pupil school but in 1945-46 there were as many as 70 pupils leading to serious overcrowding in class rooms and dormitories.
2. The floors in the boys' dormitory should be resurfaced at once.
3. The hot water system is inadequate for the needs of the school.
4. The laundry has never been properly equipped with machinery.
5. The school has not been painted for ten years.

A copy of a letter to Mr. MacMillan, Agent and to the Principals of the schools is appended. It also brings to light further serious conditions requiring immediate attention. Here again, the lives of the children are needlessly endangered, the responsibility for which lies directly upon the Indian Affairs Branch.

Brocket, Alberta,

February 7, 1946.

cc: Mr. A. McMillan, Ind. Agent,
Rev. Father Crepeau, O.M. of Prin.
Mr. Middleton, Acting Principal.

GENTLEMEN:

We, the Members of the Brockset Local of the Indian Association of Alberta, would like to take this opportunity to discuss all matters concerning the two Residential Schools on the Peigan Reserve, and with your co-operation, would like to have all matters arranged and settled.

We have made a thorough investigation of these schools with the approval of Mr. McMillan and the Principals of the said schools, and have seen and learned the needs and the dangerous conditions our children are subjected to.

In the case of the R.C. School—it simply cannot stand up to the winds we have on this reserve.

Some years back this school was supported by two iron rods on the second floor running crosswise. One rod is on the west end of the building, and the other on the east end.

Under the present conditions it is worse off than it was before.

In the boys' dormitory, for instance, on windy nights, they have to hold their beds to prevent them from banging together.

In the girls' dormitory which is on the west end of the building the smaller girls are awakened from their sleep and start crying for fear the building will blow over.

Another proof that the building is unfit for occupation, is that the roof leaks when it rains and when the snow is melting.

Another instance, in case fires should break out on the west end of the school which is occupied by the girls, how are they going to escape the fire? The stairways are on the same west end, and without another means of escaping as there's no door connecting both dormitories, and then, suppose fire breaks out on the east end which is the boys' side. Now how are they going to get out to the west side?

The girls' play room which is 15 x 40 has no sunshine and poor ventilation, and is absolutely unfit for them. The rest rooms, toilets are endangering the health of these girls, as they are not properly isolated from the rest of the room.

These complaints brought up are made also concerning the St. Cyprian School, but we do not know whether the beds in the dormitories bang together, and also the nails may not have sprung out of place in the siding.

So for all these dangerous conditions we ask with a confident heart that you would help us with our urgent plea. We are sacrificing our most beloved children for whom we would be only too thankful for any assistance for their safety.

You may never understand our worries which we parents undertake when these high winds start blowing especially at nights. We also ask that immediate action be given, the sooner the better, or give us new schools."

Because the schools are both located on the reserve, the people are quite well satisfied with the residential schools. However, the work system should, in the opinion of the members of this Association be abolished and full school hours with periods of organized play at proper times be substituted.

3. *Stoney Reserve—Morley.*

1. Accommodation in the present school is completely inadequate for the children of school age on the reserve. Consequently, the Agent is unable to enforce the regulations re attendance. Attendance must therefore be a haphazard matter as long as the attendance is to the required capacity of the school. It is recommended that one of two things be done:

(a) A suitable addition be built to both the residence and the school house to accommodate the children on the reserve.

OR (b) A suitable addition be made to the school house so that children may be accommodated as day pupils and that the staff be increased accordingly.

About 30 children on this reserve are denied any kind of education at all by reason of lack of space. This does not include those children living with their parents at Pekisko and at Nordegg, approximately 35 more who are also denied any education.

It is ridiculous to urge that these extra children be separated from their parents and sent to the Edmonton School. The parents would be perfectly justified in rejecting any such proposal.

No child should be brought up away from its parents in an environment entirely unsuited to that to which it must return. This has been one of the failures in Indian educational policy for the child is unsuited to the life conditions it must meet, when it is brought up institutionally.

4. Nordegg.

1. The Stonies at Nordegg request a school with a dispensary and teacherage. Their children are at present without educational facilities. Even the additional and being procured at Morley will not extend the reserve enough to permit these people to return. They must still live away from the reserve.

Moreover, there seems no good reason why they should return to the Reserve at Morley. They are making a better living where they are than they could at Morley. The forcible removal of populations by the Nazi regime in Europe was universally condemned by the civilized world. To perpetuate in Canada against Native Canadians, this policy would be the grossest malpractice and transgressions of human rights and privileges. Canada would justly be the perpetrator of policies which thousands of Canadians have lost their lives in opposing. Nazi practices should have no place in Canada.

It is recommended that with the co-operation of the Government of the Province of Alberta that school facilities be provided for these people until such time as the two Governments may be able to reach an agreement by which these people will be provided with a reserve in the area they now inhabit.

5. Pekisko

1. A school with teacherage and dispensary should be and must be provided for these people as soon as they are settled in this area, a settlement to which the Indian Affairs Branch is, in principle now committed.

In the meantime, plans should be underway to provide the necessary facilities, not afterwards. This entire problem of rehabilitation, the Stoney people should be completed in the one operation without further unnecessary delay.

6. Kehewin

1. Although this reserve is administered under an Agency in Saskatchewan, it must be considered along with the rest of Alberta. On this reserve, there is a day school in operation now but a semi-residential school for senior pupils should be put into operation without delay. A semi-residential school is considered needful here because of the isolated position of the reserve. The people recognize the need of learning English but the lack of English-speaking people in the vicinity of the reserve makes it difficult for the children to acquire the readiness in that language which their parents deem necessary. It is felt that a semi-residential school for senior pupils will remedy this.

2. Senior pupils who now must go away from home as so often stated here is a deterrent to proper education. The system of sending children long distances away may be considered correct for very rich whites but it is repugnant to most whites and even more repugnant to the Indian people whose love of children surpasses that of the whites. (Indians have never needed to establish orphanages and children's shelters).

7. Samsons Hobbema Agency

The difficulty here is that the Protestant children must be sent away from home to the Edmonton school while the Roman Catholic children have the Ermineskin School on the reserve. This is felt to be discriminatory and the

charge appears quite true. A day school for the Protestant children should be opened in connection with the Protestant mission in order that they and their parents may have the same privileges as the children and parents of the Roman Catholic faith.

2. The Ermineskin School is too small for the number of children of Roman Catholic parentage although opening a day school on the Louis Bull Reserve and a mixed Indian and white school at Ma-Me-O Beach (Pigeon Lake) will probably rectify the problem of overcrowding at present facing the Ermineskin School.

3. It might be possible with the co-operation of the Ponoka School division to accommodate Protestant children at Hobbema Village School.

APPENDIX AD

GRAND COUNCIL NORTH AMERICAN INDIAN BORTHERHOOD

THE INDIANS OF CANADA

Contravention of Certain Rights by Andrew Paull, President.

To the Honourable Members
 Special Joint Committe of the Senate
 and the House of Commons
 Appointed to examine and consider the Indian Act,
 House of Commons,
 Ottawa, Ont., Canada.

Honourable Gentlemen:—

Indians of Canada Contravention of Certain Rights

This Factum is not intended to cover the whole field of Indian history, their rights and the abuse of such rights. Rather is it an attempt to show that certain rights of the Indians of Canada have gradually been whittled down to a point where they have ceased to exist, and that this has been accomplished by illegal application to the Indians of Provincial and Federal legislation as well as by erroneous judicial decision.

The average layman has a very vague notion of the position and status of the Indian in Canada. To him an Indian is very much as any other Canadian subject, except that he suffers certain restrictions. That he enjoys and should enjoy certain privileges and immunities is often forgotten.

This attitude would not matter very much if it were confined to the ordinary layman. Unfortunately it extends frequently to persons of prominence, persons who have some say in the promulgation of our laws, even to Provincial and federal officials whose attitude and actions may and do have serious effect on the rights, privileges and immunities of the Indians, and who are responsible for legislation which infringes on these. They often insist that such legislation should apply to the Indians and completely disregard the ancient treaties entered into with the Indians, the British North America Act and the Indian Act. They do not feel that the Indian should be exempt from certain obligations to which the ordinary Canadian citizen is subject. Indeed, at times they find it irksome that any ethnic group or race should live within the confines of Canada and not be subject to all the laws and obligations of all regular citizens. They object to a specially privileged class or group, or at least one that must be singled out for special treatment and consideration.

We regret to note this tendency and are perturbed to note that at times it would appear to extend to members of the judiciary, who render honest but erroneous judgments as regards Indians and Indian rights. There appears to be a disturbing trend in more recent Canadian jurisprudence to deprive the Indian of his rights by a specious splitting of his personality. It has been held, in several occasions, that certain general laws cannot apply to an Indian *quâ* Indian but they can and do apply to him as a citizen, generally. Thus, where a Provincial Law does not specifically mention the Indian it is not *ultra vires* of the Province and the enactment, so long as it does not specifically run foul of the Indian Act, can and does apply to the Indian *quâ* ordinary citizen. This splitting of the Indian's personality is specious because an Indian is always an Indian and nothing else, and if the law cannot be applied to him as such,

there is no other way that it can. Otherwise, the exclusive jurisdiction of the Dominion Parliament over Indians could be escaped every time, for any laws could then be made to apply to the Indian by the simple expedient of omitting reference to him.

This attitude fails to take into account the whole history of Canada, the treaties made with the Indians and the solemn obligations created thereunder; it fails to take into account that most of this country was ceded to the Crown by the Indians in virtue of such treaties and the solemn obligations to protect the Indians in their rights and in the comparatively small areas reserved for them, and them alone. It ignores the protective laws created for the Indians by the Imperial Government and the spirit and motives which actuated them, perpetuated in the British North America Act and the Indian Act. It loses sight of the fact that this whole beautiful country belonged to the Indians and that it was ceded, not as a result of conquest, but as a result of honourable treaties between honourable and independent nations.

This should never be lost sight of if one is to have a real understanding of the position and status of the Indian in Canada, of his privileges, rights, immunities, and yes, his restrictions.

We shall refer to such treaties and such protective laws in the order and insofar as they relate to those recent infringements, by legislation and judicial decision, that best express the attitude above referred to, and which have, for effect, the gradual whittling down and abrogation of certain Indian rights.

We propose to deal with two phases only, first, economic, with particular reference to taxation and licensing, also personal liberty. We shall attempt to be as brief and concise, as the subjects permit.

I. TAXATION AND LICENSING

It is our purpose here to deal with a few of the outstanding cases, where by executive action, enactment or judicial decision, we feel the Indian's rights and immunities have been invaded and abused.

Only recently it has been held that the Indian merchants of the Caughnawaga Reserve must take out a Provincial Sales Tax Licence if they would continue to sell certain items which are subject to sales-tax elsewhere in the Province of Quebec. Sixteen Indians of the Caughnawaga Reserve were arrested, on two charges each, convicted and fined for failure to do so, with the alternative of a jail sentence in default of paying the fine and costs. (*Attorney General of Quebec vs. Williams et al.*)

The general gist of the judgment was:—Whereas pursuant to section 102 of the Indian Act, the Indian is not subject to tax on his real or personal property situated on the Reserve, he must nevertheless take out the aforementioned sales-tax licence; for such a licence, albeit a fee is attached to it, is not a tax, properly speaking; moreover he must have this licence in order to be able to charge the tax to persons who purchase at his store on the Reserve, but who are themselves from outside of the Reserve. For when the Indian sells to such non-Indian, he is going outside of the Reserve, and once outside the Reserve, he is subject to the Provincial Laws governing all residents of the Province. (*Ibid.*—*Attorney General of Quebec vs. GrosLouis*—Court of Sessions of the Peace No. 24213, 1943).

The considerations of these judgments recognize that the Indians and lands reserved for the Indians are under the exclusive legislative authority of the Parliament of Canada, and that, consequently, the Provincial authorities have no right to legislate as regards them. (S.S. 24, Sect. 91, B.N.A. Act). They clearly recognize that, in virtue of section 102 of the Indian Act, the property of an Indian can be taxed only if such property is outside of the Reserve. But the conclusions are, nevertheless, that the Indian merchant, who, having his store on the Reserve, sells to any visitor to the Reserve, must take out a sales-tax licence for his store on the Reserve, charge the tax, and pay it to the Provincial

authorities. In the Williams case, the conclusions go even further. His Lordship suggested that the Indian is subject to Provincial laws generally, so long as they do not mention the word "Indian" and do not specifically contravene any provision of the Indian Act. Hence, the Indian must take out a sales-tax licence (which is not a tax and therefore no contravention of section 102) and collect the tax and pay it.

However in the GrosLouis case, Mr. Justice Pettigrew corrects at least that mistaken view, although he errs otherwise. He says:—

It seems to follow from the jurisprudence, taken as a whole, that the Indian, insofar as an Indian inhabiting a Reserve, under the control of the Dominion Government, is not amenable to the laws of the Province, but as soon as he goes out of the Reserve, he becomes, like any ordinary citizen, subject to the application of the provincial laws to which he owes obedience, failing which he is liable to the penalties provided in those cases.

In support of this thesis, His Lordship refers to the cases of *Rex vs. Hill* 15 O.L.R., 406 (C.A.); *Rex vs. Bebonning* (1938) 17 O.L.R. 23 and *Rex vs. Martin* (1917) 39 D.L.R. 635. We have, for the moment, no particular quarrel with the judgments referred to, but we fail to see that they applied to the GrosLouis case, the whole with humble respect for the opinion of Mr. Justice Pettigrew.

Following these cases, we would have to concede that if an Indian were to open a place of business, a store, outside of the Reserve, and do business outside of the Reserve, he would become amenable to the various provincial laws affecting businesses in the locality in which he had opened his store. But we contend that the Indian merchant, doing business in his store on the reserve, is not going outside of the Reserve, even if certain occasional customers happen to be strangers to the Reserve. The sales-tax licence attaches to the place of business and not to the customers of the place. (Indeed a merchant, outside of the Reserve, who changes his address, must get a new sales-tax licence with his new address on it). That place, that address and business on the Reserve is not subject to Provincial laws, so long as the Indian merchant sells the merchandise at his store on the Reserve. Going outside of the Reserve means a physical removal of himself and his business from the Reserve and not the physical intrusion of a stranger into the Reserve.

To order an Indian, on the Reserve, to take out a sales-tax licence for his business located in the Reserve constitutes a restriction of the Indian's right to do business on the Reserve, and the Indian requires no Provincial permit to do business in the Reserve. His lands and holdings on the Reserve are entirely withdrawn from Provincial jurisdiction.

Indeed the Reserve is by law absolutely free from Provincial interference, more so than a business in a foreign province. It was suggested by their Lordships in the GrosLouis case and in the Williams case, that if the Indian merchant, on the Reserve, were not forced to take out a sales-tax licence and charge tax to strangers visiting the Reserve, it would open the way to fraud. Strangers, everywhere, they suggest, would come to the Reserve to make their purchases, thereby defrauding Provincial Revenues.

Even, if in fact, this were actually to happen, that fact would not give to the provincial legislature the right to legislate concerning places and persons over which and whom their authority does not extend. Let us illustrate:—

The Province of Ontario imposes no sales-tax on certain items that are taxable in the Province of Quebec, e.g., cigarettes. Now the City of Hull, P.Q., is a stone's throw from the City of Ottawa, Province of Ontario. A great number of residents of Hull, P.Q. cross over regularly to Ottawa to purchase their cigarettes, where they pay no tax. This certainly accomplishes the "fraud" contemplated by their Lordships. But does that give the Quebec legislature the

power and authority to impose a sales-tax licence on the Ottawa merchants? Could such a Quebec Provincial statute have any force and effect on the Ottawa merchant or on his store?

Let the authorities prevent such "fraud" by legislating concerning persons and places over whom and which their authority extends. Let them order all such purchasers, on pain of fine and imprisonment, to account to the Province for all such purchases and to pay the tax on them. But the Province of Quebec has no greater right to impose a licence on the Indian Reserve, than have they on the person or business of the Ottawa merchant.

Did the Ottawa merchant go "outside of Ottawa" to sell to the Hull resident who came into his shop to purchase cigarettes? Certainly not. Had he physically transported himself and his goods to Hull and there sold to Hull residents, he would have gone outside of Ottawa and would become subject for such sales to Quebec legislation. Could the Province of Quebec impose a duty on the Ottawa merchant to enquire into the residence of the customers who come into his store? Certainly not. The Province of Quebec has no legislative authority over this Ottawa merchant, who sold from his store. Nor has it any greater authority over the Indian who sells from his store on the Reserve, nor can it force him to impose proof on his customers of their racial origin or real residence. His business and person on the Reserve are subject solely and exclusively to the jurisdiction and authority of the Dominion Government.

It is respectfully submitted that the two judgments above-mentioned are badly founded for other reasons.

It is contended that even if the sales-tax licence is not a tax on the Indian, since the sales tax is a direct one on the consumer, it is an imposition of a duty and obligation which the Provincial legislature has no right to impose on the Indian and which the latter in law, is incompetent to assume. Subsection 24, sec. 91 of the B.N.A. Act states that *Indians*, and lands reserved for the Indians, are under the exclusive jurisdiction of the Dominion Parliament. It follows therefore that the person of the Indian is not subject to provincial authority. How then can the Province force him to become its unwilling employee in the matter of tax collection? Particularly is that true when one appreciates that in the eyes of the law the Indian is a minor, an incompetent, a "ward" of the Crown. (See Indian Act, sections 4, 5, 6, 110, etc.) Such a "ward" surely cannot be forced by the Province to act as its servant and agent?

We likewise respectfully take issue with the statement that the imposition of the sales-tax licence is not a tax. A fee is exacted for this licence which cannot be passed on to the customer. It is therefore a direct tax on the merchant himself, tantamount to a business tax, which forms part of the consolidated revenue of the Province.

We shall close this phase of the abuse of the Indian's right with one last observation.

When one reads the recent judgments which have tended to encompass such abuse, one notes that certain of the Judges seem to have arrived at the erroneous impression that once the Dominion Parliament had promulgated and passed the Indian Act it had exhausted its exclusive legislative authority over Indians and Indian lands. In a number of these cases we find their Lordships, when referring to this exclusive jurisdiction, express themselves much as follows:—

and in fact the Parliament of Canada has exercised this authority by having passed the Indian Act, chapter 98. R.S.C. 1927.

and from that point on they have found certain provincial legislation, affecting Indians, though not specifically referring to them, *intra vires* of the Province and applicable to Indians, because the Indian Act does not happen to deal with the matter.

It strikes us at the outset, that this is an absolute misinterpretation of the words "exclusive authority" or "exclusive jurisdiction" and is out of harmony with the whole spirit and intention of s.s. 24, sec. 91 of the B.N.A. Act. "Exclusive authority" or "Exclusive Jurisdiction" means the sole right to legislate, then, now, and in the future, and not the sole right to have legislated. These words mean that no one else can or may legislate about the matter, and no one else may fill the Dominion's failure to exercise this exclusive authority. This exclusive authority of the Dominion Parliament continues for all time, to the exclusion of any other authority—(unless, perhaps, the B.N.A. Act be amended on that point). There is no question here of overlapping jurisdiction of the Province and the Dominion so that when the latter is silent on any question, the former may speak. Only the Dominion Parliament may legislate as regards Indians and Indian lands. Consequently, where the Indian Act fails to deal with any matter, this does not make a provincial enactment on the matter binding on the Indian. And we cannot see how the failure specifically to refer to the Indian would make such an enactment the more applicable to them. If to mention him specifically were to render the enactment *ultra vires*, it is because it cannot apply to him. It is because only the Dominion Government may legislate as regards him, and this exclusive legislative authority over the Indians' person is nowhere limited in the B.N.A. Act by conditions whereby the Province could impinge on it by merely abstaining from mentioning the Indian in its legislation. The meaning of the term "exclusive authority" was very ably expressed in the case of *Madden vs. Nelson and Fort Sheppard Ry. Co.* (1898) A.C. at page 626.

In other words, the provincial legislatures have pointed out in their preamble that in their view, the Dominion Parliament had neglected proper precautions; that they are going to supplement the provisions, which, in the view of the provincial legislature, the Dominion Parliament ought to have made; and they thereupon proceed to do that which the Dominion Parliament has omitted to do. It would have been impossible, as it appears to their Lordships, to maintain the authority of the Dominion Parliament if the provincial parliament were to be permitted to enter such a field of legislation which is wholly withdrawn from them, and is, therefore, manifestly *ultra vires*.

There have been other taxes levied recently by the Province of Quebec, and even by the Dominion Parliament, upon the Indians of Reserves within its boundaries, and upon their real and personal property, in contravention of section 102 of the Indian Act. What is by law prohibited has been accomplished indirectly.

Thus the Indians of the Caughnawaga Reserve and others are obliged to pay a sales-tax on their consumption of gas and electricity in the Reserve. This is the 8 per cent sales-tax, Federal, on "goods manufactured and produced in Canada".

The legal basis for this levy is found in the decision rendered by the Hon. Mr. Justice Philippe Demers in the case of *Delisle vs. Shawinigan Water & Power Co. S.C., Montreal, No. 191425*.

This judgment held, in effect, that the said tax was not a tax upon the Indian, but a tax on the Power Company which they paid and collected by increasing their price. Moreover electricity did not constitute "real or personal property on the Reserve" and therefore the Indian Act did not apply. Further, since the essential feature of a tax is that it is an enforced contribution, not a voluntary payment or contribution, the levy on electricity sold to the Indian was not a tax at all, since the Indian was not bound to use electricity. He could illumine his home by other means.

With all due respect to the Hon. Mr. Justice Demers, we cannot agree with these findings, for they are unfounded in law and based upon a misconception of the meaning of a tax, "direct" or "indirect".

The Power Company, in the bills it sends to the Indians, clearly marked at the foot, "plus 8 per cent sales-tax". That is clear and there is no doubt about it. To consider such a tax as a mere increase in price is untenable in law. There have been numerous decisions in questions of sales-tax that where the tax is earmarked by the Producer the levy is a tax and nothing else. As a matter of fact there is a provincial statute prohibiting an increase in price by the Power Company and the Order in Council allowing exemption from the maximum electricity rates fixed by Provincial Statutes, clearly states:—

—and the amount so added shall not be deemed to be an increase in the rate charged for electricity or gas—

The 8 per cent increase, is, therefore, not an increase in price, but a tax. However, the judgment states that in any event, this is not a tax on the Plaintiff, Delisle, nor on his real or personal property on the Reserve. It is contended by the Indians, and rightly, that it is either a tax on their money on the Reserve or on "goods" on the Reserve.

Electricity is personal property and may be the subject of ownership and sale. In spite of its invisibility or intangible form it is, in law, personal property. (Curtis—Law of Electricity—p. 7). Moreover, the statute and schedule and Order in Council all define electricity as goods subject to sales-tax. If we apply article 1474 of the Civil Code of the Province of Quebec, the sale of electricity is perfected as and when measured on the meter installed in the premises of Delisle. Since the sale is only perfected after measurement from the meter, the situs must be held to be the domicile of the Purchaser. Hence, the Purchaser, being an Indian on the Reserve, the situs is the Reserve. And no tax may be levied on property on the Reserve. If, however, the tax is to be regarded as being imposed, not on the goods, but on the sale price, it is then a tax on moneys and again the situs must be considered to be the domicile of the Purchaser. In any event, by a fiction of law, the situs of these moneys is the domicile of the Plaintiff as "*mobilia sequuntur personam*." So we see that the 8 per cent sales tax is a tax and it is levied upon personal property of the Indian in his Reserve. As such, it cannot be levied against the Indian.

We contend that money earned by an Indian which is brought into an Indian Reserve is personal property, and that the electricity they use on an Indian Reserve is also personal property and not subject to taxation, and in support of that submission on "personal property" we quote the following official letter from the Commissioner of Income Tax.

DEPARTMENT OF NATIONAL REVENUE, INCOME TAX DIVISION, OTTAWA,
REFERENCE R.D.M.

25th MARCH, 1936.

Refer to W.S.F.
INSPECTOR OF INCOME TAX,
739 Hastings St., W.,
Vancouver, B.C.

Re: INDIANS LIABLE TO TAXATION

DEAR SIR.—With reference to yours of the 16th instant you are advised that it has been a long standing ruling of this Division that real or personal property of Indians residing on a Reserve is exempt

from taxation, but Indians not residing on a Reserve are liable to taxation as are any other persons ordinarily resident in Canada. . . .

Yours faithfully,

(Sgd.) C. F. ELLIOTT,

Commissioner of Income Tax.

There remains only to dispose of the contention that this levy is not a tax because the Indian is not bound to use electricity because he can illumine his house in some other way, and that if he chooses to use it, the moneys he pays, earmarked as a tax, are not a tax but a voluntary contribution. That is mistaking the cart for the horse. The Indian uses the electricity voluntarily, but he does not pay the levy voluntarily! That is enforced. The best proof of that was Delisle's payment under protest and his subsequent action in recovery. One might just as readily say that anything an Indian purchases or sells should be subject to the usual tax, because it is then a voluntary contribution, for he is not bound to purchase or sell anything. The fact remains that even if an Indian were to buy, on the Reserve, a luxury-article, it would still be personal property on the Reserve, and by section 102 of the Indian Act, exempt from taxation. This section does not distinguish between property the Indian is bound to have, and that which he merely would like to have. To accept that consideration of the judgment would be to render section 102 absolutely useless. For the Indian is not bound to have a home—he can sleep on the floor. In fact, he is not bound even to have a floor—he can wrap himself up in his glory and sleep on the ground. These observations are no more untenable than is that particular consideration. In any event, gas and electricity are hardly considered as articles of luxury. They are definite essentials.

The same arguments would avail against the radio licence and tax imposed on the Indian of the Reserve, and the judgment declaring the Indian liable for this tax encompasses a contravention of section 102 of the Indian Act. The same would be true for the income tax, since the situs of the Indian's money is his domicile.

We quote the opinion of the then acting Deputy Minister of Justice to the effect that Indians living on Reserves were not liable to the payment of Income Tax under any Dominion or Provincial legislation. There has been no legislation specifically requiring the Indians to pay Income Tax.

DEPARTMENT OF JUSTICE, OTTAWA

APRIL 26, 1939.

The SECRETARY, Indian Affairs Branch,
Dept. of Mines and Resources, Ottawa.

Re: LIABILITY OF INDIANS TO PAYMENT OF DOMINION INCOME TAX

SIR,—I have the honour to acknowledge receipt of your letter of April 7th and in accord with the view expressed under date 6th March, 1936, your file 320360, to say that I think that in the absence of special contractual provisions as to place of payment, ***Indians residing on Reserves are not liable to be taxed on account of income tax under Dominion or Provincial legislation in respect of wages earned off the Reserves.*

Your obedient servant,

(Sgd.) C. P. PLAXTON,

Acting Deputy Minister of Justice.

(**Italics by Andrew Paull.)

When the Dominion Government took over the collection of Income Taxes from the provinces another opinion of the then Deputy Minister of Justice was given during the year 1942 which stated that according to the provisions of Section 102 of the Indian Act Indians were liable to the payment of Income Tax on the moneys they earned outside the Indian Reserves.

From that opinion, the payment of income tax was imposed upon the Indians, as is indicated by the following official communication.

CIRCULAR TO ALL INDIAN AGENTS

Ottawa, Feb. 24, 1943.

In view of the many enquiries that have been received respecting the question of payment of income tax by Indians. I have to advise you that under the Indian Act, Indians are exempt from taxation on real or personal property held on an Indian Reserve, but may be taxed on real or personal property held off a Reserve.

According to advice that we have received, an Indian is subject to taxation of income, including wages, earned off a Reserve even though he may himself live on a Reserve.

(Sgd.) HAROLD W. MCGILL,

Director.

Hon. T. A. Crerar, speaking in the House of Commons in reply to a question by G. H. Castleden stated that the Minister of Justice had ruled that Indians were British subjects, therefore liable to Compulsory Military Service. On the other hand, the Courts, on many occasions, have ruled that Indians are wards of the Crown.

We have contended that the electric light tax, and the imposition of the income tax upon the Indians is ultra vires of the Constitution of Canada, and because of that, we have asked the government to refund all moneys that have been collected from the Indians, and to this we will ever pray for the necessary action to bring this about as soon as possible.

It strikes us, therefore, that the Indian's position on the Reserve should be clarified. The maxim that there should be no taxation without representation, no obligations where there are no privileges, embodied in the Indian Act, should be established so clearly, that no government official or member of the Bench, will again be led into error. The Indian has no representation in Parliament and he has no vote. The law should therefore be further clarified, by legislation, exempting him from all manners and forms of taxation. In this way, the Bench will not again by judgment accomplish indirectly what is prohibited directly. Too that end, too, legislation must reaffirm the exclusive jurisdiction of the Dominion Government over Indians and Indian lands, to the complete and absolute preclusion of provincial interference. And in so doing, it should be borne in mind that the British Parliament, had entrusted to the Federal Government of Canada a sacred duty to respect the treaties it had made with the Indian Nations, to protect the Indians in their rights, and in their lands, and that laws governing Indians were intended for the protection of the Indians against exploitation and encroachments of the white man. The Indians are "wards" not "victims," for their "protection" not "spoliation."

Older judgments consecrated this principle and attitude towards the Government's "wards." But the tendency we have referred to before has been becoming more prevalent. (See Bourinot, Constitution of Canada, p. 121.)

For obvious political reasons and motives of humanity and benevolence, it has no doubt been the general policy of the Crown, as it had been at the time of the French authorities, to respect the claims of the Indians.

II. COMPULSORY MILITARY SERVICE

We have dealt briefly with enactments and judicial decision which have seriously trenched on Indian rights in the realm of "property," with particular reference to "licensing" and "taxation," and we have attempted to indicate how these have had for effect to accomplish indirectly what, by law, is prohibited of direct accomplishment. For that purpose we have skimmed but lightly over the Indian's position in Canada, the meaning of the "Reserve" or "Reservation" and the history which has led to the Indian's present status and capacity. Where, however, enactments and judicial decision affect his person and liberty, these factors loom much larger in importance. We have in mind, particularly, the National War Services Regulations, 1940, (Recruits), Consolidation 1941, and the application of its provisions to the Indians of Canada. The authorities took the stand that this Act does apply to Indians, and there have been Court decisions supporting that stand. These decisions have been based on the view that since the Act reads that it applies to all "male British subjects" between the ages of 24-45, it therefore applied to Indians between those ages. It appears to us that such decisions would seem to ignore Canadian history completely, and to overlook the many treaties and proclamations, affecting Indians, reposing in our archives. It is urged that if these are given their full effect, the Act did not and should not have applied to the Indians. It is contended:—

1. That the Indians are not the "male British subjects" contemplated by the Act.
2. That the Act did not apply to Indians because it did not specifically mention them as subject thereto.
3. That the Indians are exempt from compulsory military service in virtue of treaties entered into between them, as free and independent nations, and the Imperial and Dominion Government of the time.
4. That the Act (Regulations) did not apply to Indians on constitutional grounds, being *ultra vires quoad* Indians.
5. That the Indians were exempted from military service in the first Great War, although the order in council, effecting it, was really unnecessary.
6. That in view of the Indian's special status and position, he should, in any event, be exempted from compulsory military service. The Indians do not object to or avoid voluntary service in the armed forces, as their record of service proves. They object to *compulsion*.

Let us examine the first contention, that Indians are not the "British subjects" contemplated by the Act and certainly not British subjects in the ordinary accepted sense of the term:—

(a) *Indians Haven't the Rights and Powers of Subjects*

British subjects, in the ordinary accepted sense, are those born on British soil, or naturalized, who, at the age of 21 are fully competent persons, competent to vote at Federal and Provincial elections, competent to vote on Referenda or Plebiscites; have a voice in Parliament and representation therein; may run for office in Federal and Provincial elections; are competent to manage their own affairs so that they may buy or sell their real holdings from whom and to whom they choose without permission of any Governmental body; are fully competent to sue and be sued before any of the Courts of this country, have absolute freedom of testation, etc., etc.

But the Indian is in an entirely different category. He has none of the powers mentioned above. The Indian has no right of vote either at Provincial or Federal elections, Referenda or Plebiscites. As a matter of fact the Indian was denied the right to vote "yes" or "no" at the Dominion Plebiscite which

sought from all British subjects in Canada to be relieved from previous commitments and promises on the question of conscription. The Indian has no voice or representation in the Government and cannot run for office therein. The Indian cannot buy or sell his land on the Reserve from and to whomever he chooses. He is not competent to sue and be sued before all the Courts of the Province and the Dominion. In most cases, it is the Superintendent General of Indian Affairs who must act for him. Neither has the Indian complete freedom of testation. His testament is subject to the approval of the Superintendent General. In short, the Indian has none of the rights and powers of the ordinary British subject. He likewise, therefore, cannot have all the obligations of the normal British subject.

(b) *The Indian Is a Ward of the Crown*

As a matter of fact, the Indian is a ward of the Crown, under the guardianship and protection of the Dominion Government and, as such, is not a British subject in the accepted sense of the term. The Indian Act itself (R.S.C. 1927, Ch. 98) passed under and in virtue of the powers conferred on the Dominion Government by section 91, s.s. 24 of the B.N.A. Act, makes that abundantly clear. The sections dealing with the Indians and their lands, their subjection to the supervision, care and control of the Superintendent General of Indian Affairs, their duties to the Indian Agent and his supervision over them in behalf of the Superintendent General, section 110 which deals with the restrictions on the Indian's legal rights and powers unless enfranchised; all indicate clearly the position of the Indian as a ward of the Crown, particularly sections 4, 5, 6, 34, 36 and 110. Our jurisprudence has recognized clearly this position of the unenfranchised Indian. Thus in the case of *Armstrong Growers Ass'n vs Harris*, 33 B.C.R. 289, McPhillips, J. A., at the top of page 290, says:—

The Indians are wards of the National Government and the statutory provisions are aimed to provide statutory protection to the Indians, and the public must govern itself accordingly, otherwise we would see the Indians overreached on every hand and the Government required, in even greater degree, to provide and protect the Indians from the rapacious hands of those who ever seem ready to advantage themselves and profit by the Indian's want of business experience and knowledge of world affairs—

The same was stated in the case of *Caledonia Milling Co. vs Johns*, 42 Ont. L.R. 338. Again in the case of *Booth vs The King*, 51 S.C.R., at page 38, Brodeur, J. said in part:—

It could also be stated that the Indians are wards of the state and no policy should be adopted that would deprive the Indians of the fruits that their Reserves could procure for them—

The very same relationship between the Indian and the Federal Government exists in the U.S.A. See in this connection paragraph 33 (31 C.J.) at page 492, top, and the many cases referred to therein. It has been also held in the United States, that being mere wards of the Nation, the Indian owes no allegiance to the States. (See cases referred to under Nos. 12 and 13 page 492 of 31 C.J.)

From the foregoing we must reach the conclusion that the Indian on the Reserve, a ward of the Crown, cannot at the same time be a British subject in the ordinary and accepted sense. And by all the rules of interpretation we must take it that the words used in the Act were in that sense.

(c) *The Indian Is More an Ally Than Subject*

The Indians maintain, on historic grounds, that they are more in the nature of Allies of the Dominion Government, rather than subjects, allies to whom assistance and protection are given in return for treaties of peace that were made by the aborigines of this Country with the Government and its auteurs, treaties of peace whereby vast tracts of land, indeed this whole country, save the lands reserved to the Indians, were ceded to the Crown. The Indians, the former possessors of this country, were never conquered, nor were their lands taken from them in virtue of any conquest. On the contrary, they voluntarily ceded land to the Crown by treaties between Independent Nations, reserving for themselves certain areas known as "Reservations". Nor did they ever give up this independent status of a free nation. On the contrary, by the treaties made, first with the representatives of France, then with the English, they received guarantees of armed protection, assistance and financial aid, to help retain their independent status, and their reserved lands, and in the earlier days of our history they were referred to as allies, not subjects. What mutual agreement of both free nations, the red and the white, ever changed that? There never was any.

Article 40 of the Capitulation of Quebec, as passed by General Amherst, representing England, and the Marquis de Vaudreuil, representing France, refers quite clearly to the Indians as Allies. The article reads as follows:—

The Savages or Indians, Allies of his most Christian Majesty, shall be maintained in the lands they inhabit, if they choose to remain there, shall not be molested on any pretence whatsoever for having carried arms, and service his most Christian Majesty, they shall have, as well as the French, liberty, of religion, and shall keep their missionaries.

The Treaty of Peace 1784 clearly recognizes the Indians as Allies. It will be remembered that in that year, Colonel Joseph Brant, Ambassador of the Indians, met Lord Sydney, then Governor General, and the latter subsequently received from King George III a message for Brant and the Indians. This message was a recognition of the rights and position of the Five Nations, as the Indians then were called, as Allies of the Crown.

Further evidence that the Indians were always considered as allies rather than subjects of the Crown may be found in various United States enactments and judgments. Article III of the Jay Treaty, entered into 1794, refers to three groups of peoples, namely "His Majesty's subjects" (being British subjects), "Citizens of the United States" and "Indians dwelling on either side of the boundary line". Quite obviously the Indian was not regarded as being a citizen and subject of either country.

Article III of the said Treaty between Great Britain and the United States, whereby the boundary line was fixed between Canada and the U.S.A., provides:—

It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's Bay Company only excepted).

Two years later, the provisions of the aforementioned Jay Treaty were broadened by the Treaty of 1796, which provides:—

That no stipulation in any treaty subsequently concluded by either of the contracting parties with any other state of nations, or with any Indian tribe can be understood to derogate in any manner from the rights of free intercourse and commerce secured by the aforesaid third article of the Treaty of Unity, Commerce and Navigation (referring to

the said Jay Treaty) to the subjects of His Majesty and to the citizens of the United States and to the Indians dwelling on either side of the boundary line aforesaid.

The first ten articles of the Jay Treaty, which includes article III, cited above, were made permanent by article XXVIII (of the said second Treaty) and thereby the Indians are permanently treated as a class and category entirely separate and distinct from that of British subject or United States subject. Again in 1832 the Supreme Court of the United States:—

The British Crown, previously to the Revolution, considered the Indians as Nations competent to maintain the relations of Peace and War and capable of governing themselves under its protection. Quoted from Wheaton, 4th Ed. p. 64.)

From the foregoing it would appear that the Indians, formerly allies of the Crown, never really lost that status by any mutual agreement, and consequently, they must, in law, still be regarded as allies and not as subjects.

If, therefore, we consider, first, that they are wards, without any of the privileges of British subjects, and, secondly, as allies, surely we must reach the irresistible conclusion that the words "Every Male British Subject" contained in the National Mobilization Act, 1940, and in the amendments of 1941, should be extended to include the Indians.

SECOND CONTENTION

We now come to the Indian's second contention, namely that even had he lost, by some pact, his status of ally then seeing his peculiar status of ward, with very limited rights, the National War Services Regulations, 1940. (Recruits) should have specifically mentioned him if it were intended that he fall within its ambit. For, certainly, by no stretch of the imagination can he be considered a British subject in the ordinary sense of the word. Now, the Mobilization Act or Regulation is a penal act and it is a maxim of law that:—

- (a) Where an enactment may entail penal consequence, no violence must be done to its language to bring people within it, but rather care must be taken that no one is brought within it who is not within its express language. Per Wright J., *London C.C. vs Aylesbury Co.* 1898, 1 Q.B. 106).
- (b) The principle, remarked Lord Abinger, adopted by Lord Tenterden (*Proctor vs Mainwaring*, 3 B & Ald. 145) that a penal law ought to be construed strictly, is not only a sound one, but the only one consistent with our free institutions. The interpretation of statutes has always in modern times, been highly favourable to the personal liberty of the subject, and I hope will always remain so. (*R. vs. Berdino*, C.C. cases, p. 319.)
- (c) In construing a penal provision in a statute, one of the canons of construction is that an interpretation that avoids the penalty is to be preferred to an equally clear one under which the penalty would have to be imposed. (*Paradis vs Nat'l Breweries*, 1 D.L.R. 1892. see also *Ass'n of Architects vs Gariepy*, Q.J.R. 50 S.C. 134.)

It is futile, in law, to reply to this contention that, in any event the Government in enacting the Mobilization Act had intended to include the Indians, even if the Act did not specifically name them. For no intention may be sought beyond the words of the Act itself.

"It may have been an oversight on the part of the framers of the Act", says Parke D. in the case of *Nixon vs. Phillips*, 1852. 21 C.J. ex 88 "but we must construe it according to its plain and obvious meaning."

And Lord Tenderten, in the case of *R. vs Berham*, C.B. & C. 99, stated:—

“Our decision may, in this particular case, operate to defeat the object of the Act, in order to give effect to what we may suppose to have been the intention of the Legislature.”

(See also Maxwell, *Interpretation of Statutes*, at p. 3, where he urges that the intention of the Legislature must be gathered from the plain and ordinary meaning of the words in the Statute, and not elsewhere.)

In the United States, where the position of the Indian is the same as it is here, it has been specifically held that general Acts of Congress do not apply to Indians unless clearly so intended. (*McCandless vs U.S.* in rel. *Diabo*—5 F (2nd) 71, aff'g 18 F (2nd) 282.)

At the bottom of p. 71, 25 F (2nd) Judge Buffington says:—

After hearing, he was discharged from custody, whereupon this appeal was taken, and the question involved is whether the immigration laws of the United States apply to members of the tribe of the Six Nations, born in Canada. Enlightened possibly by the status and relations of our own native Indians with reference to our own Nation, we note that the unbroken line of decision has been that they stand separate and apart from the native-born citizen, that they are all wards of the Nation and that general acts of Congress do not apply to them unless so worded as clearly to manifest an intention to include them in their operation. This case is very much in point and we stress its importance in this issue.

THIRD CONTENTION

The Indian's third ground of objection to the application to him of N.W.S.R. 40, is that he is exempt from compulsory military service by treaties entered into between his nation and the Crown, and it is perfectly true that such treaties do exist. We refer particularly to the Northwest Angle Treaty of 1873 (see report 7, Alexander Morris, P.C. dated at Fort Garry, October 14, 1873, page 1) of “Treaties of Canada with the Indians of Manitoba and the Northwest Territories”).

FOURTH CONTENTION

The fourth contention of the Indians with regard to the inapplicability of the Act to them is that it cannot apply to them, on constitutional grounds, and at the imposition of the Income Tax law is *ultra vires*.

Section 91, 24, they urge, constitutes a delegation of power by the Queen to the Dominion Parliament, exclusively, to legislate with regard to Indians. If such exclusive legislative power has not been exercised by the Dominion Parliament for the purpose of subjecting Indians to compulsory military service and the payment of income tax. In fact, the Dominion Parliament has passed an Act subjecting Indians to compulsory military service and the payment of income tax. Only the Governor-in-Council passed regulations calling upon eligible persons to place themselves, and their services, etc., at the disposal of His Majesty in the right of Canada. (Section 2 of the National War Resources Mobilization Act, 1940, above cited). But this is not an Act of Parliament, and Parliament could not redelegate the delegated power it has under par. 24, section 91, B.N.A. Act. Thus, even if it is admitted, which it is not, that the word “persons” as used in section 2 (referring back to the term “British Subject”, used in a prior section) was intended to include “Indians”, this enactment insofar as Indians are concerned, would be *ultra vires* of the Governor-in-Council, for the Dominion Parliament, to which the Queen delegated exclusively her power

to legislate concerning Indians, cannot in turn delegate these powers to the Governor-in-Council. That is a well accepted rule of law.—“*Delegatus non potest delegare*” (2 Inst. 587)—“*Vicarius non habet vicarium*”—“A delegate cannot have a delegate”.

It has been argued on this matter that in time of war and insurrection real or apprehended, the Dominion Parliament has a general power to Delegate its powers. It is submitted, however, that Indians, being allies and “*Imperium in Imperio*” (a nation within a nation) are in a special class and cannot be dealt with in legislation, other than by Acts or Statutes, under the authority of the British North America Act.

For reply to this argument of the Indians, it has been argued that in virtue of the Westminster Statute, passed in 1930, the Dominion Parliament is not obliged to rely on the B.N.A. Act for its powers to pass legislation, but that in virtue of the said Statute, the Dominion Parliament has unrestricted power to legislate, directly or by delegation. It is submitted, in answer:—

(a) The British North America Act continues to exist and is in force, side by side with the Westminster Statute, and the said two Acts, taken either together or separately, do not give the Dominion Parliament any greater power of legislation, nor any further right to delegate that power, than Parliament had before the passing of the Westminster Statute;

(b) As appears by the Westminster Statute, there is a power given to the Dominion Parliament which did not theretofore exist, namely, the power of legislation having extra-territorial operation but such extended right of legislation did not and does not increase or extend Parliament's legislative power concerning Indians.

The relevant provisions are contained in section 7, S.S. 1 and 3 of the Westminster Statute, which read:—

S.S.1

Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Act, 1887 to 1930, or any order, rule or regulation made thereunder

S.S.3

The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces, shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada, or of any of the legislatures of the Provinces respectively.

FIFTH CONTENTION

It was not by mere chance or governmental caprice that Order-in-Council number 111 was passed on Jan. 17, 1917 exempting Indians from military service during the last Great War. The exemption resulted from the following considerations, stated in the preamble to the Order-in-Council:—

1. The fact that the Indian has no vote;
2. The North West Angle Treaty, already mentioned;
3. War Time Election Act, 7-8, Geo. V. C. 39 which exempts disenfranchised people from military service.

It is true that the Military Service Act, under which the afore-mentioned Order-in-Council was passed, is no longer in force. But the same principles and considerations which led to the passing of this Order-in-Council obtain and should be given force and effect by a new one, albeit the Indian maintains that he requires no Order-in-Council exempting him, since he is, by law, already exempt.

SIXTH CONTENTION

Whether or not one agrees that for all of the foregoing reasons, the Indian, in law, is not subject to compulsory military service, one cannot help but admit that in all justice and equity he should not be. That is why he was exempted in the last war. That is why he should always be exempted. He who does not enjoy the privileges of citizenship, should not be compelled to suffer its obligations. Not only is the Indian without a vote, a minor without real property rights, a mere ward, subject to control and supervision in all he wishes to do, without a voice or representation in Parliament, but he is not even eligible to the benefits of any of the social legislation that the average citizen enjoys—Old Age Pension Act, Farmers' Creditors Arrangement Act, National Housing Act, Department of Pensions and National Health Act, Needy Widows and Mothers Act, etc., etc. It has been held consistently that these apply to all persons other than Indians. (Why, the Indian hasn't even the right to go out and buy a glass of beer!) He is not considered competent to deal with it. Such an incompetent, deprived of all the major rights of citizenship, should not be considered sufficiently competent and eligible for compulsory military service, and the imposition of income tax.

Moreover, so to compel him, is to contravene the whole spirit and purpose of the treaties with the Indians, the many promises made when they took his land for a pittance. It contravenes the whole purpose and spirit of the trust reposed in the Government by the B.N.A. Act, which gave exclusive control over Indians to the Dominion Government so that they could be protected in their rights and in their lands. And it contravenes the whole spirit of the laws, enacted for Indians, which are protective in principle and purpose and paternal in form and design.

It is not that the Indian is a coward and does not wish to serve. In the first world war, the Indians enlisted voluntarily, in numbers far out of proportion to their comparatively small population, and they served with distinction and honour. It is not that they would not enlist voluntarily for service in any war in equally great numbers, considering their population. The Indian resents compulsion, which he feels is an alienation of his legal and natural rights. He wishes to continue to look upon our Dominion Government as the "Great White Father" who administers kindness and justice. Yes, indeed, he has a brain like paper and never forgets". The promises of the past, made so long ago, are fresh in his mind. Solemn guarantees given his people over one hundred years ago are not old to him. With child-like tenacity he clings to his Reservation, his rights and privileges thereon, and even the restrictions imposed on him. He does not seek enfranchisement. He prefers the restricted sovereignty of the Reserve, with its privileges.

Certainly we cannot forget an address made at our Convention on June 1, 1944 by the Hon. Mr. Crerar at Carnegie Library, Ottawa, in which this comparatively new Minister of Mines and Resources reviewed the position and status of the Canadian Indian in an understanding and sympathetic light. The Minister's voice was like a voice from the past his words were akin to the honeyed tones of those representatives of England and the Dominion who first negotiated with the Indians for the cession of their lands. How pleased were the Indians to note how well the speaker understood the paternal relationship of the Dominion Parliament to them, how well he understood the Dominion's position of guardian and trustee of the Indians' rights, his recognition of various abuses of those rights that have lately cropped up, both in the field of economics and in matters of personal liberty. In that address the Hon. Mr. Crerar did not hesitate to state that there was a good deal of weight to the Indian's argument that he should be exempt from compulsory laws and he promised to intercede for them in this regard. He likewise sensed that, indirectly, section

102 of the Indian Act was being contravened and the contraventions erroneously being sanctioned by the authorities. He suggested that he would do what he could in the matter.

Although this Factum is not intended as a petition, what fairer conclusion can it have than to suggest to your Honourable Committee that Mr. Crerar's stand be implemented by a proper clarification of the status and position of the Indian so that he will completely enjoy his rights, privileges and immunities and that a specific exemption from the imposition of Income Tax and the electric light tax be granted him.

Respectfully submitted on behalf of the

NORTH AMERICAN INDIAN BROTHERHOOD,

by

ANDREW PAULL,

President.

APPENDIX AE

THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE
LEAGUE

DOMINION COMMAND,
Ottawa, Canada,
August 20th, 1946.

Copy of a Resolution passed by the 11th Dominion Convention of the Canadian Legion of the B.E.S.L., held at Quebec City, May 19-23, 1946.

INDIAN FRANCHISE

Resolved: That the Canadian Legion request that the Indian Act be amended to allow Indians full citizenship rights without infringement of their treaty rights.

NOTE.—The Executive Assistant to the General Secretary, in forwarding the above states "While this Resolution applies to all Indians, the Canadian Legion is particularly interested in those Indians who are ex-service men. It would be appreciated if this Resolution be brought to the attention of the Special Joint Committee of the Senate and the House of Commons, appointed to examine and consider the Indian Act."

APPENDIX AF

SOCIETY FOR THE FURTHERANCE OF B.C. INDIAN
ARTS AND CRAFTS*

INDIAN WELFARE IN BRITISH COLUMBIA

Supporting Statements:

Miss Alice Ravenhill, Founder of the Society for the Furtherance of
B.C. Indian Arts and Crafts;

Former Lecturer on Health and Welfare Subjects at London University.

"The past efforts of Canadians to sweep away the native Indians social economy and spiritual aspirations have resulted in leaving such people rootless, depressed, bewildered and degraded. These facts were instrumental in the formation of our Society which first concerned itself in reviving the artistic abilities of the West Coast Indians, whose traditional handicrafts rank among the highest of the known primitive art of the world. Happily, there is to-day a rising interest in the native Indian's problems. Measures which our Society has consistently advocated, are being supported by an ever-increasing number of Indians and white people, and public opinion, at length, is being aroused to the need of reform."

Mr. Anthony Walsh, internationally known as a teacher of Indian children.

"Judging from the confusion and despondent attitude of many Indians and the squalid conditions on most reserves at the present time, the educational policy of the last two generations has not been a success. This has come about in spite of the sacrifice and devoted work on the part of many teachers. One of the main causes of this failure has been that teachers have failed to take into account the fact that they were working with children of a different background than their own. We can never hope to bring about successful Indian education until teachers are willing to do research work into the background of the people with whom they are working and living."

Miss Laura Holland, C.B.E: Former Adviser to the Minister on Social Welfare
Policy of B.C.

"Due to divided authority and a lack of co-ordinated policy, machinery and personnel, the Indian has been deprived of the vast majority of the social services available to other individuals and citizens.

In any modern program the social services are as essential as programs of education and health, and require a scientific approach with provision for research, planned and trained personnel. They must be provided for the minority group of Indians, as well as the rest of Canadians."

J. Murray Anderson, D.P.H. Medical Health Officer, Greater Victoria Area.

"I am particularly interested in the Health Recommendations of your brief. The following figures taken from the last published report on Vital Statistics (1943) for British Columbia are significant:—

Infant mortality in B.C.

(Excluding Indians) 31·8 per 1,000 living births

(Indians) 131·2 " " " "

The death rate from tuberculosis in Indians was 634 per 100,000 population, compared to 41 in the remainder of the population."

* (See Appendix X, page 605, Minutes of Evidence.)

APPENDIX AG

A BRIEF ON THE REVISION OF THE "INDIAN ACT"—FOR THE
CONSIDERATION OF THE JOINT COMMITTEE OF
PARLIAMENT OF CANADA

NAME (INDIAN ACT)

1. The name "Indian Act" should have been changed before to the name "Native Canadian Act."

NOTE: Why should we (Natives) be called Indians. There is no valid reason for calling us (Natives) Indians simply because one white man made a mistake. We (Natives) are not living in India, we (Natives) are living in Canada. Therefore the name of the New Act should be "Native Canadian Act."

NATIVES (INDIANS)

2. We are not Indians but Natives who are living in Canada.

Half-breeds are Natives because of their mother's or father's Native blood. Quarter-breeds are Natives because of their mother's or father's Native blood.

"Native" or "Natives" should be incorporated into the New Act instead of "Indian" or "Indians".

TERRITORIES (RESERVES) OR LANDS

3. Reserve or Reserves are portion or portions of the Tribal Territories of the Tribes of Canada.

CONTROL OF LANDS

4. Tribes, Community Centres and Groups in the Tribes should gradually control and manage their own Territories or lands.

FISHING FOR FOOD

5. In rivers and creeks running through Tribal Territories the Natives should catch fish for food without permits at any time in each year.

HUNTING AND TRAPPING

6. Natives should hunt and trap in their own Territories at any time without any licence. They should also have the privilege of hunting and trapping outside of their own Territories.

FIRE-WOOD

7. Natives should have the privilege of cutting timber for fire-wood on unoccupied lands.

LAND SHORTAGE

8. Some Natives are short of land, especially in British Columbia.

NOTE: For example, a Reserve near Sardis, B.C., has an acreage of 49 acres and a population of 26.

9. Natives who cannot get any more land should be given something in place of land whereby they may obtain a decent living.

A. We request that the Joint Committee recommend to Parliament that an investigation be made on the shortage of land.

B. Natives should operate any business on their Territories without any licence.

AGRICULTURE

10. The Department should supply or lease bulldozers to fill up sloughs or river beds on Native lands and to assist in clearing lands for Native farmers so that they can get a decent living and in time be independent and self-supporting. To this end, the Department should supply any machinery for any work on Native farms in order to hasten their self-reliance.

FARMERS' EDUCATION

11. The Department should provide scientific methods of farming in order to educate Native farmers along modern scientific farming.

12. All materials for barns and houses should be supplied by the Department.

HEALTH

13. The Department should co-operate with the Health Boards in each Province in order to improve the health and the living conditions of the Natives.

SCHOOLS AND EDUCATION

14. (In Indian Act). Section 10, subsection 2, namely: "Such school shall be the nearest available school of the kind required, and no Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices."

15. This law should be buried so deep that it shall never be resurrected any more. It is against the spirit of democracy which includes the right of free choice.

RESIDENTIAL SCHOOLS

16. Parliament should give authority to the Government to build Residential schools either on Native Territories or outside Native Territories for orphan children, destitute children and illegitimate children. These schools are to be free for all such children whether Protestants or Catholics. All clothing is to be free.

COMMUNITY DAY SCHOOLS

17. Parliament should give authority to the Government to build Community Day Schools, either on Native Territories or outside Native Territories. These schools should be under the Provincial School Acts of each Province, especially with regard to the qualification of teachers, curriculum and discipline. These schools are to be free to all Protestant and Catholic children. Daily transportation to and from these schools shall be free. All text books and other materials are to be free. Warm lunches at noon given by the schools are to be free.

One or two Natives appointed by the Community shall have the right to inspect these schools periodically.

18. Native parents who wish to send their children to Public Schools may do so and all expenses in connection with these schools shall be paid by the Department. All text books and other materials should be paid for also.

HIGH SCHOOLS

19. Transportation of Native pupils attending High Schools should be paid by the Department. All text books and other materials and fees should be paid also. Transportation of Native pupils coming from distant places should be paid by the Department, including their board and rooms.

SPECIAL JOINT COMMITTEE

COLLEGES AND UNIVERSITIES

20. Native students attending Colleges and Universities leading up to any degree in the profession which they may choose should have all transportation, all text books, board and rooms and any other expenses connected with the professions, paid by the Department.

ASSISTANCE TO START PRACTICE

21. The Department should assist in starting them to practice their professions in order to earn their livelihood.

* * *

EQUAL STATUS

22. All Native women shall have equal rights with Native men—they have the right to vote.

VOTING

23. Native young men and Native young women over the age of 18 years shall have the right to vote in Native Territories and also in Provincial and Dominion elections.

FREEDOM OF GROUPS

24. All Groups in the Tribes shall have freedom of religious worship; freedom of speech; freedom of assembly and meetings; and freedom of all social gatherings.

OLD AGE PENSION FOR NATIVES

25. Natives (men and women) over the age of 70 years should get \$30 per month exactly as white people.

Note: One purpose of the New Act is to help better the living conditions of the Natives, so this should go into the new Act and not be left to Agents and Government officials who might side-step it any time they wish to do so.

MEMBERSHIP

26. Band system should be discarded and Group system take its place in the New Act.

A Native woman does not lose her membership in her group when she marries a Native man in another group. If her husband dies she comes back to her own group without any vote. Groups and Tribes make and control Membership Laws.

NATIVE WILLS

27. Wills made out for Natives should go through white man's Court.

DESCENT OF PROPERTY

28. Native property or land should descend to the nearest of kin to the deceased.

COUNSEL

29. Natives who commit crimes of any kind should have counsel to defend them in court whose services should be retained by the Department.

APPEAL

30. Natives in Canada should have the right to appeal from the lowest court to the highest court.

INCOME TAX

31. Natives engaged in any occupation and earning money outside of their own Territories should be exempt from all Income Tax.

DOCTORS

32. All fees of doctors engaged by Natives outside the regularly appointed doctors should be paid by the Department.

TRUSTEESHIP

33. The words "minor" and "ward" should not be used in the New Act when referring to Natives. "Trusteeship" should be used instead of "Wardship."

ENFRANCHISEMENT OF NATIVES

34. Any Native (male or female) who wishes to give up all the benefits which he or she receives because of his or her Native blood and who is willing by his or her own free will to assume all the benefits and responsibilities which devolve upon him or her by becoming a citizen, may do so before a Court.

The Court will then so pronounce that he or she is a citizen of Canada in every respect.

A. His or her properties or interest had been satisfactorily settled previously by the Group of which he or she was formerly a member.

(PART THREE IN INDIAN ACT)

The Soldier's Settlement Act, 1919

35. Almost all Natives in Canada do not want this white man's law in the New Act.

A. Natives can formulate better laws than this for their returned boys.

B. Groups in their own local Territories know better how to solve this problem.

NATIVE VETS.

36. Native Vets. should get the same cash benefits as white Vets.

NATIVE BUREAU

37. To be located in Ottawa to co-operate with the Native (Indian) Department.

A. Departments:

1. Education.
2. Agriculture.
3. Fishing (Commercial).
4. Fishing for Food (Hunting and Trapping).
5. Advisory Council.

B. Qualified Native to be appointed should have charge of each of these Departments.

38. One main purpose of this Bureau is to interpret the mind of the Natives so that the Native (Indian) Department will have a better idea of how to help the Natives in all their affairs which concern their future progress and advancement.

(Andrew Paul's scheme is too bulky, overlapping of work, waste of energy and expense).

BILLS OR BILLS

29. Bill or Bills from whatever source to be introduced in the House of Commons should be sanctioned by the Native Bureau in co-operation with the Native (Indian) Department.

NATIVE PROVINCIAL LAWS

40. Tribes, Groups or Organizations in each Province should have the right to formulate or suggest rules or laws dealing with specific matters in each Tribe or Tribes.

AMENDMENTS

41. Tribes in each Province shall have the right to amend, add to or rescind any part of a section or sections in the New Act with the sanction of the Native Bureau and the Native (Indian) Department.

Respectfully submitted by the United Native Farmers' Organization of the Stahlo Tribe, Sardis, B.C.

SAUL WEALICK—*President*

OLIVER USLICK—*1st Vice President*

R. MALLOWAY—*2nd Vice-President*

FRED WEALICK—*Secretary*

G. MATHESON—*General Secretary*

Other Members of Committee:

Robert Joe

Chief J. Hall

Gordon Hall

Mrs. Chief A. Cooper

Chief Stewart

Bill Mussel

APPENDIX AH

275 Needham Street
Nanaimo, B.C.
June 29/46.

The Indian Women's Tillicum Club of Nanaimo Reserve desire your kind co-operation to forward to Mr. Norman Lickers, Liaison Officer of the Joint Committee on Indian Affairs, the following recommendations.

Under Clause 2

We would suggest that Indian women as well as men be eligible for Council and that an educational standard be required, and Chief and Council be elected annually.

Under Clause 5

That Indian women who reach a standard of education be granted voting privileges with the men.

Under Clause 6

That the encroachment of white persons on the Reserves be more vigorously forbidden excepting for purposes allowed by the Council.

Under Clause 7

We suggest that pensions be granted retired teachers in Indian Schools on a basis similar to that prevailing in public and high schools in the various provinces.

Under Clause 8

- (a) We recommend that provision be made to make loans to Indian business men on the same basis as that provided for citizens of Canada. Our attention has been called to the fact that the Banks do not make temporary loans to Indian business men because of the stipulation that monies loaned to Indians are not collectible by law.
- (b) We would urge that old age pensions be provided for all Indians over 70 years of age.

Signed (Mrs. J. H.) ALICEWRIGHT,
President.

CLARA WILSON

APPENDIX AI

BURCHELL AND MacDOUGALL

BARRISTERS & SOLICITORS

Wilfred S. Burchell, LL.B. R. Lorne MacDougall, LL.B.

- TRURO, NOVA SCOTIA

JULY 2, 1946.

Mr. H. E. RICE,
Indian Agent,
Shubenacadie, N.S.

Re: *Indian Band—Millbrook, Colchester County*

DEAR SIR,—We have had referred to us for answer your letter of the 21st ultimo addressed to Chief Joseph Julien of the Millbrook Reserve. We have been asked to reply to your letter on behalf of the Chief and the committee with authority to deal with these matters.

With respect the several matters treated by number in your enclosed letter from the House of Commons we intend to use the same numbers in giving the answers of the Millbrook Band pertaining thereto.

1. Treaty rights have not been respected in this Province with regard to hunting and other matters.

2. Matters pertaining to Band membership do not affect the Millbrook Band.

3. No changes should be made at this time with regard to the existing exemptions given to Indians in all branches of taxation. Further to this our clients do not feel that they should be paying income tax where they do not have the right to vote. It would appear that they feel that there should be taxation with representations.

4. With regard enfranchisement our clients feel that the existing system should remain the same, that is, that enfranchisement should be purely on a voluntary basis. However, in this regard they do feel that when it is desired, the method or procedure to effect such enfranchisement should be much simpler.

5. Our clients do feel that so long as they are not paying taxes they should not have a vote and do not desire same, but as in answer to number 3 herein they feel that those members who are paying taxes should have a vote.

6. This matter does not bother the Millbrook Reserve at all.

7. Our clients feel that Indian day schools should be under the supervision of the District School Inspector as at present there is no inspection of their schools at all. Also they feel that although the laws are in effect compelling children to attend school that the enforcement of these laws is not carried out as it might be and should be improved upon. Further to this they feel that their school should have the same curriculum as the public schools of the Province so that when an Indian advances in education he should not be at a disadvantage and also the condition of the school building itself should be very easily improved upon.

Re the Residential School at Shubenacadie they feel that vocational training should be incorporated in the curriculum there as under the present system the Indians are learning very little. They wish to point out that this school is carried on pretty much as an orphanage and the children leaving the school should be better equipped to take care of themselves than they are under the present system.

With regard to centralization, the Millbrook Band is against same. The wages paid at Shubenacadie on the Government projects at which they would have to work if they were to go there are not in line with the wages which they receive at present. Also in this respect they feel that the Government work would finish soon whereas twenty-seven of their men at present have full time employment in Truro and eight others are jobbers employing themselves. They feel that the money spent on a centralization project would be far better employed if put into maintenance and repair of the present establishment. Old people who are not able to repair their own residences need assistance of this kind and should not be told that they must move to Shubenacadie if they wish to have any repairs effected.

The Town of Truro has not made any known grievances against the Indians in the Millbrook District and though the Counsellors of the Town have been interviewed in this regard they have made no objections to the Indians remaining, we are informed by our clients.

With regard to changes in the Indian Act our clients feel that Section 52 of the Act should be removed from the Act or at all events should be modified so that the Indians have some say in their own destiny with regard to removal from their homes.

We trust that this answers your questionnaire satisfactorily and if there is anything further that we can do to assist you in this matter we shall be pleased to communicate with our clients.

Very truly yours,

BURCHELL & MacDOUGALL,

Per:

RLM/DM

APPENDIX AJ

7th July, 1946

Seven Islands,
North Shore, P.Q.
Mr. NORMAN E. LICKERS,
Liaison Officer,
Committee on Indian Affairs,
Ottawa, Ontario.

1. We want to keep our reserve.
2. We want a school.
3. We want to keep our land and hunting grounds and to have the white man forbidden to hunt on our grounds.
4. We are asking the Indian Affairs Department for uncut timber land to provide fuel for our reserve.
5. We are asking for a hospital for the very sick members of our reserve. Often we ask our doctor to rush sick members to a hospital and often there is much difficulty in finding accommodation in the hospital. We have asked the doctor to push this matter.
6. We ask for permission to take a drink on our reserve and in our homes. We often pay fines for having taken a drink as there are many who are quick to inform on us. In many cases we are reported when the only evidence is the smell of liquor. You know how afraid we are and often we pay fines for nothing. As much of our time is spent at sea, it is unfair to deny us the privilege of having a drink on the few occasions when we are together with our families.

Signatures { Chief MATHIERE ANDRÉ,
Councillor JOHNNY PILOT,
Councillor ADELARD JOUSDAIN,
Councillor WALLACE KEGIS,
Councillor NABESSE GRÉGOIRE.

Seven Islands North Shore, P.Q.

(Translation)

APPENDIX AK

10th July, 1946

Vermillion Bay, Ont.

Mr. NORMAN E. LICKERS,
Ottawa, Ont.

Dear Sir: We, the members of the Wabigoon Lake Band No. 27, Kenora Agency, held a council meeting this 6th day of July, 1946, in accordance to your request and we find that our complaints are pretty much the same as experienced by our people all over Canada where trapping, hunting and fishing is the main source of livelihood. It is plain to see that nearly all of our Treaty agreements have been violated.

We find it increasingly difficult to follow our natural mode of existence due to the encroachments of white trappers and fishermen.

This bountiful country we loaned to the white man is rapidly growing in wealth and importance while, we, the original owners grow poorer each day. It is not because we were disloyal to the Crown, as we have strictly adhered to all of our promises made at the signing of the North West Angle Treaty No. 3, in 1873.

We promised to live peacefully with all men and we have never declared war on any nation yet! For a people that have been recently "civilized" our behaviour, we think, is above reproach. Among us, robbery and wilful murder is very rare, except in fits of drunkenness which we also learned from our white brother.

We want a day school on our Reserve as we are over 60 miles from the nearest Indian Boarding Schools and these are overcrowded most of the time.

We want to know when a chief's or councillor's annual pay was decreased \$5 when the original agreement clearly stated that a chief's salary would be \$25 per annum and the councillor's \$15 per annum.

Why must we buy a licence to trap beaver when the agreement mentioned no licences for Treaty Indians?

We, the undersigned have applied twice for a fishing licence and failed. If we must have one we hereby apply again for our Reserve waters!

Our spokesman informs us we won't need one after the Royal Commission's investigation is over. But how are we to market our fish?

Our Wabigoon Lake is unfit for tourist angling and we cannot understand why we are forbidden to fish commercially therein.

We want better treatment of our aged and disabled so they don't have to resort to city garbage dumps any more for their living.

We heartily agree to the 13 point resolution as read to us by our able spokesman, Thos. Walter Favell, Sr., which was prepared at the recent Convention in Ottawa of the North American Indian Brotherhood.

Yours truly,

Chief WILLIAM GARDINER,
Councillor JEFF CHIEF,
Councillor JAMES CENTREFIRE.

APPENDIX AL

Recommendations submitted by the Songhees Indians of Victoria, British Columbia, July 12, 1946, to the Special Joint Committee of the Senate and House of Commons appointed to examine and consider the Indian Act.

Enfranchisement

The Indians be given the right to vote without taxation on their land. The older people could not pay taxes on land as they are non dependent on others for a livelihood.

Education

All residential schools and those under church jurisdiction should be abolished as it estranges the children from their parents during the school years. All schools to come under the Department of Education of the Province in which they are respectively located. That the children be given advantages of higher education and funds be made available for their support during such time. All school buildings conform with Department of Education regulations in regard to lighting, heating and health. That all teachers in such schools be paid an adequate salary in order to insure first-class teachers. District nurses to visit schools at least once a week during school year.

Health

The health of the Indians should be under the care of the Provincial Health authorities similar to that of the people in the districts in which they reside in order to break down any isolationism or inferiority complex. Health education should be taught the younger people in order to assure good results in the future. A survey of housing should be made to ascertain to what degree the housing affects the health of the Indians. In many reserves housing and sanitation are at a very low ebb. In many cases the forests have been alienated from the Indians to their detriment in obtaining material for new homes.

Old Age Pensions

One of the greatest needs for old aged Indians is an adequate old age pension equal to that of the other citizens of Canada. This should include hospitalization and medical attention of similar quality given the others. As the Indians who are wage earners are eligible and pay income tax thereby contributing to the general revenue and welfare of the Dominion it should necessarily follow that they participate in the benefits derived from such taxation and revenue. i.e., Old Age Insurance and Relief.

Arts and Crafts

Fostering of the arts and crafts of the Indians should be given particular attention and all such work produced by the Indian be protected by copyrights, patents and trade mark. For example, Totem Pole carving should be the exclusive right of West Coast Indians and the now famous "Cowichan Indian Sweaters" should be a copyright trade mark signifying exclusive Indian handicraft which will be of material benefit to the Indians and their customers.

Finance

In the administration of our finances which are held in trust for us by the Government. After we have passed resolutions to have certain repairs made, duly signed and forwarded to the Agent and thence to Ottawa, months and

months pass before anything is done. Many of our houses need shingling, our cemetery is lacking fencing and the roads are in dire need of repair. This is one department that should have greater proficiency and expedience.

Delegates to Joint Committee

We are of the opinion that we should have delegates attend this committee by all means. We are also of the opinion that all expenses should be met by the Department of Indian Affairs. If the Members of Parliament elected to form the Government of the Dominion can have travelling expenses and a lucrative salary tax free why cannot our delegates be taken care of in a similar manner?

Description of Songhees Reserve

Our Reserve is located near the City of Victoria, the capital of British Columbia and was originally located within the boundaries of the city. The City of Victoria was founded by the Hudson Bay Company establishing a Post in order to trade with the Indians. We have been moved to the present site some years ago which is in extent sufficiently large enough to give us two acres per family. This is hardly enough for farming and could be considered a residential district. Most of the members of the tribe are engaged in work nearby as mechanics, truck drivers, sawmill workers, longshoremen and other occupations.

I, for one, Chief of the Songhees Band of Indians, would like very much to attend the Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act.

Wishing you every success in your undertaking and with brotherly greetings, I remain,

Yours very sincerely,

PERCY B. ROSS,

APPENDIX AM

WAYWAYSEECAPPO RESERVE,

13th July, 1946.

Chief and Councillors held a band meeting in answer to a letter June 17, 1946, from Norman E. Lickers, Indian Affairs at Ottawa.

No. 1 Treaty rights. Band want no change.

No. 2 Band Membership. Band want no change.

No. 3 Liability of Indians to pay taxes. No.

No. 4 Enfranchisement of Indians, both voluntary or involuntary. No change.

No. 5 Eligibility of Indians to vote at Dominion elections. No change.

No. 6 Encroachment of white persons on Indian reserves. No change.

No. 7 Operations of Indian day and residential schools. We want a public day school for all religions for better education.

No. 8 We want modern machinery and money for years to come, to keep it operating. Also free medical, hospitalization, and drugs; housing material, better roads, etc. We want to send a delegate, expenses to be paid by the Department. We want to have a law that will prevent people from coming on our reserve and breaking up our married people, also a law so that people on our reserve shall be married before they live together. We want our moneys kept in Ottawa as it has always been kept, and to be able to use our interest money for the relief of Indians who are unable to make their own living due to sickness, at any time of the year without having to wait for word from Ottawa.

Signed. Chief PRINCE ASTAKEESIC,

H. M. ARCHIE SHINGOOSE,

H. M. DONALD ROSS.

APPENDIX AN

BRIEF BY ISLINGTON BAND OF INDIANS (KENORA AGENCY)

July 13, 1946

Minaki.

MR. NORMAN PATERSON,

Dear Agent,—We have a meeting in my reserve with my band members. So I wrote three copies, which is demands in my Band which will be forwarded to Mr. Lickers.

This is all for this.

Yours truly,

(Sgd.) Chief HORACE SPENCER,

Councillors JOHN HUNTER,

FRED CAMERON.

1. It requires a little hospital should be built in my reserve specially those reserves that site far away from the city or from the railroad.
2. It requires the government should give me a medical nurse in my reserve.
3. It requires day schools should be built in my reserve.
4. It requires the government should put up a saw-mill near my reserve.
5. It requires housing is very necessary in my reserve.
6. It requires cattle should be given in my reserve, poultry, pigs, etc., and other equipment.
7. It requires all untreaty Indian Half Breeds should be moved away from the reserves—those that live near the reserves.
8. It requires untreaty Indian Half Breed should not be given any trapping licence near the reserves, not any closer than 30 miles away from the reserve. I want a ground to trap and hunt.
9. It requires the government to allow me to pick rice in the game reserve without paying any licence.
10. It requires the white man that pick rice with machinery should be put off.
11. It requires a road should be built to my reserve.
12. It requires old age pensions should be given to the Indians. Family allowance is a big help for the Indians.
13. It requires to vote at Dominion elections. I want a man to speak for me at the Parliament.
14. It requires not to pay any taxation.

APPENDIX AO

Lake Constance Indian Reserve,
Calstock, via Hearst, Ontario.
July 13, 1946.

NORMAN E. LICKERS,
Liaison Officer,
Joint Committee on Indian Affairs,
House of Commons,
Ottawa, Ontario.

Dear Sir:

Your letter of the 17th of June. Joint committee of the Senate and House of Commons re the Indian act.

We have held several meetings to discuss the subject of your letter and the following are our contentions of the matter.

1. Treaty rights and obligations:— At the time of our original treaty we had the privilege of hunting and trapping in any location but at present we have to pay a \$5 trapping licence and have our area restricted. This even applies to unsurveyed districts. We would like to return to the original benefits of the treaty, abolish license fee and restriction of area. Every summer we see thousands of fish destroyed by saw mills, dams and motor boats and yet we are not allowed to set our fish nets where or when we would like. Fish is one of our staple foods, with very little waste, and we feel that we should be able to secure them when and how required.

2. Band membership:— Alright in its present form.

3. Taxes:— Satisfied with present arrangement. Indian pays no taxes while living on reserve but is subject to taxation if living off the reserve.

4 and 5. Enfranchisement and vote:—We would like very much to have voting rights but without changing our present status.

6. Enchroachment on Indian reserves:— We want this handled more strictly. Return to original meaning of Indian treaty.

7. Schools:—Very important, cannot stress this point too much. Should be modern and efficient school on each reserve. More attention and importance should be given to agriculture and its benefits should be given by the instructors, equipment supplied and some live stock such as cows brought in for the benefit of all.

General:— More help and consideration should be given a family when the father is sick. We get very good attention from the Hospital at Hearst, Ontario, but the family at home is left in very poor circumstances. We have one instance here of a family of four having to exist on the amount of \$11.00, supplied by the department, a month while the father was ill in the hospital and out for three months.

Chief:—The elected chief should be paid a yearly wage by the department because of the extras and trouble he has helping everyone with their troubles and difficulties. You must be aware that a chief has to spend many days away from his personal interests looking after others.

Reserve:— Three years ago when the question of starting Indian reserve at Lake Constance came up the site was heavily timbered and this was taken into consideration at that time. Now this timber has nearly all been cut by a private company without the Indians receiving any benefit therefrom and we feel that we are entitled to some share of the dues paid by the Company to the Government for the timber cut on what are now our lots.

Meeting at Ottawa:— Please advise date of proposed meeting that we may decide possibility of sending a representative.

Yours truly.

ABRAHAM SUTHERLAND,
Chief.

APPENDIX AP

LOWER KOOTENAY RESERVE

CRESTON, B.C.

July 15, 1946.

NORMAN E. LICKERS,

Liaison Officer,

Joint Committee on Indian Affairs.

Dear Sir,—In answer to your letter of the 17th June re the Indian Act, a meeting was held at the Indian reserve by the band, and the following was decided.

1. Treaty Rights and Obligations:

We want to be more closely and truly recognized by the government; we want the government to look into matters on our reserve; with good homes for us; improve our reserve. We want the government to co-operate with us Red People.

2. Band Membership:

We want the government to give us a chance to kind of rule our own members on the reserve, and to enforce the ruling for us—like some Indians to be taken off the reserve or to be voted in.

3. Liability of Indians to Pay Taxes:

We are paying taxes—all kinds of taxes—when working off the reserve; in sawmills, logging camps, and even on some farms. The white people should be notified that an Indian or Indians (were) not supposed to pay taxes. The white people don't recognize us as their (own) race even when they make us pay taxes. We don't agree to pay taxes, it says on the Indian Act. When the government make us pay taxes, they are breaking this act.

4. Enfranchisement of Indians both Voluntary and Involuntary:

We don't want to or we are against enfranchisement on our reserve. We want to keep our own rights and be known as red people. We don't or we have not enough education to go out off the reservation which the government left us. We want to hold our lands and rights as red people.

5. Eligibility of Indians to Vote at Dominion Elections:

We want to vote on Dominion elections because, we go out and work on government lands, we want to have a choice like the white people, to vote for whom we want.

6. The Encroachment of White Persons on Indian Reserves:

We have had no troubles on white people coming in on the reserve, but we do know that our reserve, our land, is getting smaller. We would like the Department or the government to re-survey our land.

7. The Operation of Indian Day and Residential Schools:

We want more schooling hours in the Residential school at Cranbrook Indian school, change of teachers, and principals, no sisters, less spiritual teaching, more mechanical, and farming or such. Children to come home on Christmas and New Year's holidays if the parents wish them. If the government sees fit they can build a day school on our reserve, give children a chance to go to higher school after going through grade school or send them to training school or trade school.

8. Other Matters Brought Up:

We want our reserve to have a good chief and councilmen and to have them make rulings on the reserve. We want our chief to stand in front, not next to the Indian Agent. The Indian Agent has too much to say; the Indian Agent has too much power over the chief on our reserve. We want the Indian Agent to be set back behind the chief.

We want the Indian Act to be abolished. The government on the Indian Department are not following the Act; the only Act from the Indian Act which is followed at present is the liquor act; Indians being drunk off the reserve or having liquor in their possession off the reserve. They forget to use the rest. Why keep the book when it is forgotten. We should have liquor when we are off the reserve because we are among the white people, we are on the government lands where the liquor is sold by the government. Day by day the government sell liquor, and the red people have temptations when they see the white people drink—give a chance to the red people on liquor. They are just as good as white people.

We have been asking the Indian Department to help us get some water on our mission on the reserve for the last 8 years, but they must be deaf or the Indian Agent maybe never told the Indian Department about it.

We are asking the government to do something about the water. We are asking the government to give the Indians a chance to progress, give them a start.

We want to farm our land instead of the white man leasing our lands. We want to be free in dealing with white people. We think we can manage to rule our lands.

We also ask for an old age pension. We want the government to recognize us red people as their brothers and sisters, not like strangers or slaves.

And again we ask the government to change the Indian Act. An Indian Act that we can understand and follow it.

We think that we ought to get justice and freedom because we are nontreaty Indians. In the Indian Act, the government is dealing with the treaties where an Indian is getting money and help from the government.

So, we the Band in the Lower Kootenay reservation, are asking the government to look and think about all these things and to start helping us on our reserve.

We hope that all we ask for is in favour of the government. We hope that the government stops, looks, and listens to the cry of the Red People.

We will be expecting our new deals in near future.

Yours truly,

(signed) THE LOWER KOOTENAY RESERVE BAND.

APPENDIX AQ

MISSISSAUGA INDIAN RESERVE

July 16/46.

The members of the Mississauga Indian Reserve have held a meeting to consider the contents of the circular letter dated at Ottawa June 17 re amendments to the Indian Act, and would respectfully suggest the following.

1. Treaty rights and obligations.

We desire to keep all the rights we now have under the act and to have changes made that would allow us to enjoy the privilege of killing wild meat and catching fish at any time for our own use. We also believe that we should not be compelled to pay any trapping licence fee.

2. Band membership.

We believe that this should be kept as it now stands.

3. Liability of Indians to pay taxes.

We believe that treaty Indians should pay no taxes.

4. Enfranchisement of Indians.

We believe that a treaty Indian should be allowed to become enfranchised if he so desires, but should not be forced to do so.

5. Eligibility to vote at dominion elections.

We believe that treaty Indians should not vote at dominion elections.

6. Encroachment of white persons.

We believe that there should be a law protecting Indians from all white encroachment, and that this law should be enforced to the limit.

7. Operation of day and residential schools.

We believe that the operation of the schools should be entirely under government control.

8. Social and Economic Status.

We believe that the government should furnish halls for our meetings and social events, a good playground for our children and that furthermore the government should at all times aid those of us who are conscientious and anxious to better ourselves, whether from a social or economic point of view.

We do not recommend sending a delegate from this reserve to Ottawa to interview this commission.

We, the undersigned respectfully submit this report to the Indian Agent at Sault Ste. Marie as requested this sixteenth day of July in the year 1946.

Signed SIMON SAUGAUSE,
Chief of Mississauga Band.

Signed DAN BOYER,
Councillor of Mississauga Band.

APPENDIX AR

Kettle Point Reserve, Forest, Ont.

July 18, 1946.

Norman E. Lickers,
Liaison Officer,
Joint Committee.

DEAR SIR,—

At a general council held here, these are our findings on the subject of Treaty Rights and other proposed amendments of the Indian Act as presented to me and my councillors by our Indian Agent.

Since you have asked me and the Council for our views and opinions on these subjects, it has always been my personal policy to co-operate with those who have authority over us. Although I find it difficult at times to co-operate with the Government's policies in regards to Indian administration, especially in recent years.

1. *Subject—Treaty Rights and Obligations*

On behalf of Treaty Rights and Obligations I am sending a personal letter which is self-explanatory as to the feeling of our Band in general.

2. *Band Membership*

No comment.

3. *Subject—Liability of Indians to pay taxes*

Moved by Caleb Shaw (Greene), seconded by Isaac Shawnoo; that in regards to liability of Indians to pay taxes, this council feels it is contrary to our treaty rights. *Carried.*

4. *Subject—Enfranchisements of Indians both voluntary and involuntary*

Moved by Wm. Smith Jr, seconded by Morris George; that we are not in favour of involuntary enfranchisement. Again, it is against our Treaty rights. *Carried.*

5. *Subject—Eligibility of Indians to vote at dominion elections*

No comment.

6. *Subject—The Encroachment of white persons on Indian Reserves*

Moved by Wm. George, seconded by Ernest Bressette; that encroachments of white persons on an Indian Reserve cannot be tolerated. Reserves are for the Indian's own exclusive use. *Carried.*

Subjects 7 and 8 were laid aside for reconsideration by the Band's Council at their regular monthly meeting. You will hear from us on these last two subjects. They were laid aside for reconsideration at our regular band meeting.

S. GREENBIRD,
Secretary.

Chief F. M. BRESSETTE,
Forest, Ontario
R.R. No. 2.

APPENDIX AS

Shubenacadie, N.S.,

July 18, 1946.

Mr. NORMAN E. LICKERS,
Liaison Officer,
Joint Committee on Indian Affairs.

DEAR SIR,—

This letter will acknowledge the receipt of yours of June 17th, inst., concerning the Joint Committee at the House of Commons on Indian Affairs.

First.—Treaty Rights are far too deep for me to answer right off hand, but I would like to add one thing. We would like to ask for Old Age Pensions for some of the residents, and still not effect their rights as Indians. We would also like to ask for special aid for those unable to work, such as the crippled or infirm, etc.

Second.—The Band Membership is satisfactory here but for a few exceptions, such as those who come to the residential school from other provinces. Some of these marry and since they have no homes to go to they naturally seek a place to live here. In some other cases, circumstances make it real necessary to live here. Such cases have been approved by the Band.

Third and Fourth.—Our Indians here are not far enough advanced in the ways and education of non-Indians to enable them to pay taxes or enfranchisement. Indians should be allowed to remain as Indians and not a poor imitation of other natives. Of course Voluntary Enfranchisement would be up to the individual himself if he or she had the necessary requirements to meet the standards.

Fifth.—Voting has been satisfactory so far. Our ex-servicemen have a vote at the Dominion Elections. Of course if everyone had a vote we would have a wider scope to select our members so that we could be assured of good and sound representation in Parliament.

Sixth.—The encroachment of white persons on the Indian Reserves should not be encouraged, except for matters necessary or professional, or other work that cannot be done by the Indian residents of that particular reserve.

Seventh.—Our schools have been run satisfactorily in our district. We suggest they should further the education so as to enable the students to become self-sufficient after they leave school.

Eighth.—Yes, there are other matters far too numerous to go into detail with at this time, but I would like to bring this one to your attention. The majority of the Indians of this reserve are labourers, others are basketmakers and axe-handle makers. At the present time there is plenty of work for everyone, but in time to come there should be some other means of making a living. We would suggest a box mill, chair factory, basket factory or something to provide

work for those who cannot go to other places to work or to hunt for jobs. We also believe in centralizing the Indians on one big reserve so that it will be possible to have a medical centre here. Our doctor has his office about ten miles from here and sometimes he is not available for some urgent cases.

Thanking you for the attention your Joint Committee has given us.

I remain,

Yours very truly,

Chief STIPLUS KNOCKWOOD,

Councillor MARTIN SACK,

Councillor WILLIAM PAUL.

APPENDIX AT

COWICHAN INDIAN RESERVE,

DUNCAN, B.C.

July 19, 1946.

In reply to a questionnaire submitted for the consideration of the Chiefs and Councillors of the Cowichans, we hereby submit the following requests in answer to the eight points dealt with in the questionnaire.

1. *Treaty Rights*

It is requested that Treaty rights entered into between certain Vancouver Island tribes, and the Hudson's Bay Company in 1850 be extended to all British Columbia Indians.

A copy of one of these treaties is attached hereto.

2. *Band Membership*

It is requested that all Cowichan Indians be treated as one Band.

3. *Liability for Taxation*

It is requested that no tax be put on Indian lands or on income earned on the reserves. No objection will be taken to tax on money earned off the Reserve if Indians are given the same rights as white men.

4. *Enfranchisement of Indians*

5. *Eligibility to vote at Dominion Elections*

These two questions are dealt with together. It is requested that Indians be given the full enfranchisement, in such a way as to insure direct Indian representation.

6. *Encroachment of White Men on Indian Reserves*

It is requested that no Reserve land should be sold or leased except after a favourable vote by the Indians concerned. No lease should be for more than 25 years.

That the survey of 1859 setting aside Reserves for Cowichan Indians, and containing 4,635 acres be confirmed. See letter from Provincial Archives enclosed herewith.

7. *Operation of Indian Day or Residential Schools*

It is requested that all Indian children should be educated under the Public Schools system. If in some cases residential schools are necessary, these should be non-sectarian.

8. *Any other matters*

It is requested that better old age pensions for Indians be provided, also a good public health service, social security equal to that of other Canadian citizens; that money be advanced to Indians in approved cases for agriculture, fishing, or other activities, in order that Indians may become self supporting.

It is requested also that fishing station on Cowichan River be granted to Cowichan Indians by Royal Commission be restored.

In this connection a letter from the Provincial Archives, Victoria is attached hereto to make the facts in connection therewith clear.

(Signed) Chief Councillor I. C. Thorne
Cowichan Band

(Signed) Secretary J. T. Elliott,
Cowichan Band

(COPY)

CONVEYANCE OF LAND TO HUDSON'S BAY COMPANY BY INDIAN TRIBES

Teechamitsa Tribe-Country lying between Esquimalt and Point Albert

Know all men, we, the Chiefs and people of the Teechamitsa Tribe, who have signed our names and made our marks to this deed on the twenty-ninth day of April, one thousand eight hundred and fifty, do consent to surrender, entirely and forever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and committee of the same, the whole of the lands situate and lying between Esquimalt Harbour and Point Albert, including the latter, on the Straits of Juan de Fuca, and extending backwards from thence to the range of mountains on the Saanich Arm, about ten miles distant.

The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, and for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

We have received, as payment, Twenty-seven pounds ten shillings sterling.

In token whereof, we have signed our names and made our marks, at Fort Victoria, 29th April, 1850.

(Signed) Sec-Sachasis his X mark
and 10 others.

Done in the presence of

(Signed) Roderick Finlanson
Joseph William McKay.

(COPY)

PROVINCIAL ARCHIVES,
VICTORIA, B.C.
July 13, 1946.

MR. SAM GUTHRIE, M.L.A.,
R.R. 1,

Ladysmith, B.C.

Dear Mr. Guthrie,—Miss Marjorie Holmes, the Assistant Provincial Librarian, has passed on to me for reply your enquiry regarding fishing rights of the Cowichan Indians. We have not been very successful in our searches but I send you the material which has come to light.

First of all, no treaty was ever made with the Cowichan Indians extinguishing their title to the land. In the period 1850-1854 fourteen treaties were entered into by the Hudson's Bay Company. Thirteen of them are reproduced in British Columbia Papers connected with the Indian Land Question, 1850-1875, Victoria, 1875, pp. 5-11. These treaties affected only the then settled portion of the Island, i.e. Victoria, Saanich, Sooke, Nanaimo and Fort Rupert and are similar in form. All contain this proviso, "... it is understood that we (The Indians) are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly."

Cowichan district was surveyed in 1859, although pre-emption did not commence much before 1862, and from the outset reserves for Indians were set aside, in all containing some 4,635 acres. In 1861 Governor Douglas passed to the Colonial Secretary, a petition from the Legislative Assembly of Vancouver Island regarding the extinguishing of the Indian title to public lands in the colony. For your information I include certain of the comments:—

3. Knowing their feelings on the subject, I made it a practice, up to the year 1859, to purchase the native rights in the land in every case, in every case, prior to the settlement of any District, but since that time in consequence of the termination of the Hudson's Bay Company's Charter and the want of funds it has not been in my power to continue it . . .

4. All the settled districts of the Colony, with the exception of Cowitchan, Chemainus, and Barclay Sound have been already bought from the Indians, at a cost in no case exceeding £2:10s. sterling for each family . . .

(Douglas to Newcastle, 25th March, 1861, No. 28).

At that time he suggested that £3000 would suffice to complete the purchases. Though Imperial Government declined to consider this as a claim upon the Imperial Treasury and passed it back to the local Legislature.

After British Columbia confederated with Canada in 1871 the Indian land question came to the fore and commissions sat on the various reserves. The "Minutes of decision of the Indian Reservation Commission of British Columbia, date June 11 1877, confirmed a decision of February 17, 1877 regarding land for the Cowichan Indians in Ranges IV, VI and VII of Cowichan District and also for "free fishing stations to contain not more than twenty acres each situated on the Cowichan River between Tsartlum and Scutze."

Three such stations were in existence in 1913 when visited by the Royal Commission—Tsartlum, 16 acres; Skutz (a) and (b), 18 and 40 acres. These along with the other reserves, were confirmed, *see* Interim Report No. 39, 6 July, 1914, Report of the Royal Commission on Indian Affairs for the province of British Columbia, Victoria, 1916, I, pp. 65-66, and p. 293.

Regarding the fishing rights of Indians in British Columbia the above mentioned Royal Commission declared as follows:—

Whereas former Indian Reserves Commissioners active under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia:

Whereas this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights:

And Whereas this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

Be It Resolved: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, the Commission, insofar as the power may be in it so to do, confirms the said allotted Fishery Rights are set forth in the Schedule hereto appended.

(Report .. on Indian Affairs .. (1916) 1, p. 272).

When discussing the Cowichan Agency, no such schedule was set forth, consequently it would appear that no special fishing privileges were then in existence.

I trust this information may provide an answer to your enquiry. If we can be of further assistance, please do not hesitate to call upon us.

I remain,

Yours sincerely,

(Signed) WILLARD E. IRELAND,
Provincial Archivist.

APPENDIX AU

VANDERHOOF, B.C.,

July 23rd, 1946.

Norman E. LICKERS, Esq.,
Liaison Officer,
Joint Committee on Indian Affairs,
Box 63,
Ottawa, Ont.

DEAR SIR,—We, the undersigned, Chiefs and Councillors of the Burns Lake, Maxime Lake, Fort George, Fraser Lake, Stony Creek, Stellaquo and Stuart Lake Bands, Stuart Lake Agency, present hereunder, a brief for submission to the Joint Committee on Indian Affairs:

1. Medical Services

We request that a Sanatorium for treatment of Tuberculosis and other communicable diseases be established at a central point within the Stuart Lake Agency, and also a full time Doctor, qualified Public Health Nurse, and travelling Dental and Eye Clinics for regular visits to Reserves.

2. Education

Establishment of non-denominational Day Schools on Reserves, Retention of Residential Schools only, for the care and education of the underprivileged and children from remote Bands, where Day Schools are impracticable.

Establishment of vocational training centres, so that our boys and girls after leaving school, may learn useful trades and occupations, and High School facilities be made available for those who qualify for higher education.

3. Trapping, Hunting and Fishing

Acquisition and return of all former Indian Trapping Grounds lost to the Indians by gradual encroachment of the Whites in the past two decades, primarily owing to the ignorance of the Regulations governing registration of traplines in B.C., and in some instances, failure of Indian Department Officials to notify the Indians of the regulations, and to register accordingly.

That our ancient privilege to hunt and fish for food purposes be restored without any restrictions whatever.

4. Welfare, Relief and Old Age Pensions

Whereas, the relief rations issued to the aged and incapacitated are totally inadequate, we ask that old age pensions for every Indian 65 years and over, be paid at the same rate as the Whites. The relief rations for the sick and incapacitated, be increased sufficiently to provide adequate necessities of life.

5. Agriculture

Purchase of additional farm lands, particularly natural hay lands, for Stock raising purposes for those who are agriculturally minded, and trying to obtain a living out of the soil.

6. *Indian Act*

That natural children of Indian mothers, regardless of status of father, be granted Indian status. That the policy of involuntary enfranchisement be abolished. That all sections of the Indian Act pertaining to intoxicants be abolished, and that the Indians be granted the privileges and be governed by the same laws and regulations as the Whites in this respect. Elimination of all taxes, Provincial and Federal. That the matter of voting in Federal Elections be left in abeyance. That the Indians be granted representation in the House of Commons, and the right to elect our own Members.

7. *Agency Administration*

Whereas the Stuart Lake Agency is far too extensive to be adequately supervised by one Agent, we recommend that a separate Agency be established at Burns Lake, B.C., to include the Stellaquo, Burns Lake, Maxime Lake, Francois Lake, Cheslatta Lake, Babine Lake and Telkwa Bands.

PADDY ISSAC

*Councillor Paddy Issac—Maxime Lake
Band*

CHIEF DAVID TIBBETTS

Chief David Tibbetts—Burns Lake Band

SIGNED:

MORRIS QUAW

Chief Morris Quaw—Fort George Band

MAXINE GEORGE

*Chief Maxine George—Fraser Lake
Band*

His Mark

DONALD X GEORGE

*Councillor Donald George—Fraser Lake
Band*

ADANAS ALEXIS

*Act. Chief Adanas Alexis—Stony Creek
Band*

His Mark

X FRANK ANTOINE

*Councillor Frank Antoine—Stony
Creek Band*

His Mark

ISAAC X GEORGE

Councillor Isaac George—Stellaquo Band

CHIEF ALEX McKINNON

Chief Alex McKinnon—Necoslie Band

BOB SAGALON

Councillor Bob Sagalon—Necoslie Band

APPENDIX AV

BLOOD INDIAN AGENCY,

Cardston, Alberta,

July 24, 1946.

Mr. NORMAN E. LICKERS,

Liaison Officer,

Joint Committee on Indian Affairs.

Dear Sir:

In regards to your letter of June 17, 1946, we the undersigned, Chief, and Counsellors of the Blood Indian Band in the province of Alberta of the Dominion of Canada, held a meeting called by our Indian Agent, Mr. John E. Pugh, and gave us a full analysis of your letter.

We understand that you have given us eight (8) items to which we are to discuss and decide upon, among our people.

Henceforth, on July 15, 1946 all members of the Blood Indian band were assembled at our annual Sundance, and there we gave our people a full realization and understanding of your letter, concerning the following matters.

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
4. Enfranchisement of Indians both voluntary and involuntary.
5. Eligibility of Indians to vote at Dominion Elections.
6. The encroaching of white persons on Indian Reserves.
7. The operation of Indian Day and Residential Schools.
8. And any other matter pertaining to our social and economic welfare, etc.

And thereby giving each and all, a chance of discussing the matter, (in public).

The results of the meeting as are follows:—

1. Treaty rights and obligations?

A. Treaty rights and obligations to be kept according to Treaty No. 7 established by Her Majesty our late Queen Victoria, in the year 1877 A.D.

2. Band Membership?

A. Not to be changed as written in the Indian Act.—Carried.

3. Liability of Indians to pay taxes?

A. Not acceded to by the tribe, the taking of the whole of the Dominion of Canada by the Government should be sufficient taxes forever.—Carried.

4. Enfranchisement of Indians both voluntary and involuntary?

A. We are not in favour of enfranchisement, either voluntary or involuntary.—Carried.

5. Eligibility of Indians to vote in Dominion Elections?

A. We are not in favour of voting in Dominion Elections until further consideration.

6. The encroachment of white persons on Indian Reserves?

A. We do not want white persons to be encroaching on our Reserve.—Carried.

7. The operation of Indian Day and Residential Schools?

A. We do not want day schools. We are in favour of Residential or Semi-Residential Schools, and these Schools provided with qualified teachers at all times. And that any Student of these Schools who desires or attains the education standing for higher education be permitted to go and the expense of their education be provided by the Government, and more grants provided for each pupil attending these Schools.—Carried.

8. And any other matter pertaining to the social and economic welfare and advancement of our Reserve, etc.

A. Yes, we have other matters, and suggestions to make, which take up a lot of time to put down in writing at the present time, pertaining to our advancement and welfare, such as Education, Health, Housing, Agriculture, Finances, and other needs, etc.

The band fully agreed to have delegates attend before the Committee, will take up other matters such as to amend and revise the Indian Act and other suggestions, through the band's discussions.

In the meantime, we will discuss many other important matters which also must be included in our affairs.

We fully appreciate your kindness and attention to us, Blood Indians and also your noble works.

Long may we remain the children of our great white mother, Her Majesty our late Queen Victoria.

Signed by the head Chief Shot on Both Sides and the following Counsellors.

ALBERT MANY FINGERS

PERCEY CREIGHTON

Chief Shot On Both Sides X (His Mark)

John Cotton

Morris Many Fingers

A. C. E. Wolf

Charlie Davis X (His Mark)

Jim White Bull

Jack Hind Bull

APPENDIX AW

PIERREVILLE, August 8, 1946.

Mr. NORMAN E. LICKERS,
Liaison Officer,
Joint Committee on Indian Affairs.

Dear Sir:

On June 17, 1946 a letter from the Joint Committee of the Senate and the House of Commons was addressed to the Indian agent. A few copies of this letter were received and distributed and passed around amongst the Indians for information.

In connection with this above a meeting of the Abenaki Band of Pierreville was held on the 8th of August 1946 in the Council House.

Every item of the letter was discussed. There were many speeches and almost everybody gave his views on the different subjects and they all concluded to this:

1. The Indians of this reserve are unable to pay taxes.
2. Are opposed to the involuntary enfranchisement of the Indians.
3. Are not interested in voting at the dominion elections.
4. There is no encroachment of the white peoples on the reserve.
5. The local day school is very satisfactory.

In short the Indians of this reserve are in the opinion that the actual statu quo should stay the way it is, except they have expressed the wish they should be treated on the same basis as the white people in regard to the Old Age Pensions.

Signed CHARLES NOLETTE, *Chief*

JULES ROBERT, Fils,

H. P. NOLETT,

ARTHUR SADOQUES, *Councillors.*(Dr.) MICHEL TETREAULT, *Agent*

APPENDIX AX

ST. REGIS RESERVATION,

August 12, 1946

The Right Honourable Sirs,

To whom it may concern,—

We, the Hereditary Chiefs of the St. Regis Reservation, members of the Six Nations Confederacy, and the Band, assembled to a Great Council Fire held on August 12 in the year 1946. We beg to approach the Dominion Government, the House of Commons, as to the Indians of Canada being enfranchised, and also the revision of the Indian Act.

We, the Hereditary Chiefs of the St. Regis Reservation, and the Band, do not approve to be enfranchised, or the Revision of the Indian Act. We believe it will never promote our welfare as long as are held on double chain of pauperism and mental servitude. We the Chiefs, and the Band, would rather keep our Treaty Rights and privileges.

The following treaties, and agreements are enumerated:

In dealing with these treaties between Great Britain and the United States concerning the Independence of the Indians of the Six Nations, both Great Britain, and the United States have confessed that the Six Nations were an independent people. The Supreme Courts of both countries furthermore recognized these treaties as inviolable.

In the Jay (Treaty of Amity). (Malloy p. 590.) in 1794, the rights of the Indians were recognized. Moreover the language used there treated those tribes as being outside the circle of British Subject in relation to citizenship and sovereignty

To cross the international line at any time. labour laws, and currency restrictions notwithstanding, is a privilege dating from the Jay Treaty, 1794, following the American Declaration of Independence back in 1776.

To make this admission still stronger that article was amplified by amendment of 1796—Malloy p. 607—which provides that no treaty made, or to be made by either party with another, or with any other Indian tribes, should be construed to deny those tribal rights.

Jay Treaty, Article 3, in 1794.

The Jay Treaty between the United States and Great Britain raised the question whether the Treaty rights granting the Indians the rights to cross and recross the Canadian border at will (under Article 3—of the Jay Treaty) can be abrogated by the Immigration laws.

See the Life of Sir Frederick Haldimand.

In the Life of Sir Frederick Haldimand, V. 3. p. 356—"The question of the Sovereignty of the Indians was very embarrassing in that it would have been impossible on any theory of the law of Nations for both Great Britain or the United States to establish prerogative in themselves to force the laws of the white men upon the owners of this country."

Article 9 of the Treaty of Ghent:

"The United States of America engage to put end immediately after the ratification of the present treaty to hostilities with all the tribes, or nations of Indians with whom they may be at war at the time of such ratification and forth-

with to (restore) to such tribes, or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in 1814—previous to such hostilities provided always that such tribes, or nations shall agree to desist from all hostilities against the United States of America their citizens and subjects upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.”

“And His Britannic Majesty engages on his part to put an end immediately after the ratification of the present Treaty to hostilities with all the tribes, or nations of Indians with whom he may be at war at the time of such ratification and forthwith to (restore) to such tribes or nations, respectively, all the possessions, rights and privileges which they may have enjoyed, or been entitled to in 1814 previous to such hostilities provided always that such tribes or nation shall agree to desist for all hostilities against His Britannic Majesty and His subjects upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.” (not complied with)

The Wampum Belt

The eightieth belt of wampum may be only strings of cheap coloured beads but to Indians, however, its long white line parallel to the red one symbolizes (Justice) in peace time just as the red line means (Protection) in war time for our red brothers who have buried their tomahawk, now rusty.

Quote from the (Treaty of 1784)—to the effect that no Red man can be put in a White Man's jail without the Chief's permission? That if this law should be broken the white man shall be liable to a fine of (ten thousand dollars) with other penalties besides.

Jay Treaty Article 3 in 1794

The Jay Treaty of 1794—allows or guaranteed Indians born in Canada the privilege of dwelling in the United States without molestation, or question of their citizenship, and not being excluded as aliens.

Also in the United States of America it has been held that General Acts of Congress do not apply to Indians unless clearly so intended and that Indians are wards of the Nation. See *McCandless vs. U.S. in re. Diabo*, 25 F. (2nd) 71 affirming 18. F. (2nd), 282.

That in Canada as well as in the United States the Indians are considered as “Wards” of the State. (See *Booth and the King*, 51. C.S.R., at page 38, per Brodeur. J.

With further reference to the contention of your Petitioners that the Indians are in a separate class. Buffington, a Circuit Court Judge of the United States, said, in part, in the case of *McCandless vs United States*, 25 F. (2nd), at the bottom of page 71, as follows:—

“After hearing, he was discharged from custody, whereupon this appeal was taken, and the question involved is whether the Immigration laws of the United States apply to members of the tribe of the Six Nations born in Canada. Enlightened possibly by the status and relations of our own native Indians with reference to our own Nation, we note that the unbroken line of decision has been that they stand separate and apart from the native-born citizen, that they are all Wards of the nation and that general acts of Congress do not apply to them unless so worded as clearly to manifest and intention to include them in their operation.”

You are at liberty to do your duty but if the authorities decide to prosecute us we wish to advise you that we will plead our case to a finish and defend our rights, and privileges, and titles.

We are sincere and not acting as revolutionaries but on the grounds of national principles, and the rights of Free People.

We therefore beg and pray that those treaties be maintained, and recognized by the Dominion and taken into serious consideration at our request.

APPENDIX AY

OFFICE OF MAGISTRATE

57 Adelaide St. East, Toronto 1,

August 7, 1946.

Mr. D. F. Brown, M.P.,
House of Commons,
Ottawa.

Dear Mr. Brown:

I want to express to you once more my appreciation of the courtesy shown me by you and your Committee when I appeared before you yesterday and to say now that because I did not expect to have to give my opinion or make recommendations to the Committee beyond those which I presented I was not as fully prepared for them as I might otherwise have been. I now have had a day to think over some of the questions I was asked and remembering that the answer I gave to a most important one, although quite definite, should, because of its importance, have been more fully answered. I refer to the one concerning whether I thought the Indian Affairs Branch should be a distinct Department of the Government rather than a Branch as it now is. At one time it was a separate Department. Although I don't know why the change was made I do see now that whatever the reason may have been, the change has not proven to be a wise one and should never have been made because it would appear to me that mines and resources, because of their economic value to Canada, get precedence over Indian Affairs, or that things are treated as of more importance than human beings which, in my opinion, should not be the case.

For the sake of the 125,000 Canadians who have no voice in the government of our country I respectfully make this further appeal to your Committee and strongly recommend that Indian Affairs be again made a separate department. A minister at the head of one distinct department. I feel sure, could not help but do more for that single department than one could, no matter how good his intentions were, who is responsible for several branches of a very large department. This is not meant in the slightest degree to be a reflection on the present minister for whom I have the highest regard.

In addition to the other recommendations I made when I was there I would like to suggest that the appointment of a Standing Committee on Indian Affairs receive consideration from your Committee. I believe that such a Committee would be of great value not only to the Indians but to the Officials of the Indian Department.

I would again like to stress the value of an adequate educational system consisting of good primary Day Schools, High Schools, Vocational Training Schools to include among other things a special department for the training of Guides, and more generous assistance financially for those wishing to attend University by loans to be paid back over a period of years after getting into work or practice.

You asked me about the training of Indian Agents. I don't think I gave you a very satisfactory answer. I should say that before appointment they should get a good training in Indian Service rather than Social Service, and that salaries for Agents—I'd rather call them Advisers, be much better than at present in order that those positions may be attractive to men of superior ability.

With best wishes, I am

Yours very truly,

(Signed) O. M. MARTIN,

APPENDIX AZ

RED BANK, N.B., July 8, 1946.

Norman E. Lickers,
Liaison Officer,
Joint Committee on Indian Affairs,

DEAR SIR,—

The meeting was held at Red Bank Indian Reserve, July 1, 1946. On behalf of the Senate and House of Commons, I, Chief William Ward, held a Council with members under my jurisdiction.

The Indian members at the Council considered all matters outlined, and are presenting views and problems in regards of the Indian Act.

1. *Treaty Rights and Obligations.*

We, the members of Red Bank at the Council, do not want any change in regards of Our Rights, according to the Treaty. We want our hunting and fishing rights on our reserves. We are willing to comply with the laws of the Game and Fisheries. Free hunting and fishing should be given, under no disturbance by white men. There is a number of trespassers on our reserves, of persons, other than Indians of this Band. We want this stopped. We want the full authority of our reserve. All trespassers should respect the Indian Act. We want more support from the Department concerning these matters.

2. *Band Membership.*

In regards of membership, the Council have decided: We have quite a number of children growing up also young men and women. We want to conserve our reserve for their future.

3. *Liability of Indians to pay Taxes.*

The Council have rejected this matter.

4. *Enfranchisement of Indians both voluntary and involuntary.*

The Council decided we do not want the same rights as the white man.

5. We the members of Red Bank do not want to vote at Dominion elections.

6. *The encroachment of white persons on Indian Reserves.*

The Indian Council has considered this as an offence. We want that stopped, and any land now occupied by white persons to be returned to the Band.

7. *The operation of Schools.*

Every member at the Council agreed in this matter. We want more to say about the management of Indian Schools with the Board of Trustees appointed or elected by the Indians of this Band.

8. *The things pertaining to the social and economic status of Indians.*

Every member at the Council considered this matter. If the Department would increase our seed allowance, for each Indian, to help us more in farming, such as animals to work with, implements to use in the operating of farms. This help would greatly increase our produce. The old people unable to work or fish should get more allowance from the Department—old age pension.

An honest dealer should only deal with the Indians. The dealer should be recommended by the Band. Our houses need repairs, the government buildings, such as school-house, lock-up, the school toilet for our children also need repairs and to be painted up. If attention was given these matters at once, it would help to keep our children healthy, and would give better conditions here at Red Bank Reserve.

The undersigned are the majority of the members who attended the Council:
Signed:—

xLOUIE PETER PAUL,
LOUIS TOM CLOUD,
RAYMOND YOUNG,
LAWRENCE JAMES CLOUD,
MICHAEL TEMASS,
NORMAN WARD,
LEONARD TEMASS,
PATRICK WARD,
GEORGE J. WARD,
FRANK WARD,
LOUIS CAPLIN,
JOE AUGUSTINE,
JOHN AUGUSTINE,
JOHN PETER AUGUSTINE,
LEMEY L. P. PAUL,
WILLIAM WARD, *Chief*,
JOHN W. P. PAUL, *Chairman*.

APPENDIX BA

NOTRE DAME DU NORD,
August 8, 1946.

Mr. Norman E. LICKERS,
Liaison Officer,
Joint Committee on Indians Affairs,
Ottawa.

DEAR SIR,—As indicated to us by our agent, we wish to file the following representation:

We would like to have more latitude as to the admission and expulsion of members of the band because in certain cases we would be in a better position to decide of their case although we would be ready to submit the case to the Government for final decision.

We are definitely against the payment of any taxes to any government and are not interested in voting neither.

The majority of our members are in favour to stay in bands as we are presently and we wish no change in that respect for the moment.

We are not encroached upon or disturbed by the white persons, but we think that lots within the reserve limits owned by white men should be rebought by the Department for the Timiskaming Band as much as possible.

As to the health conditions, we are satisfied with the present mode of administration.

On the educational side, we have a school of over 40 years old and for the last few years has not met the necessary requirements of elementary hygiene and although we were promised a new one, nothing has been done. A new school should be built so that the teacher may reside on the premises.

We consider that the necessary material be supplied to those who want to build themselves houses.

From the agricultural point of view, we think that certain farm implements be supplied to enable us to increase our farm production by which we mean the basic essentials of food.

A residential school should be built between Abitibi and Timiskaming agencies so that our children be nearer to us.

Any person, member of the Band and aged of 70 or more, should be eligible for old age pension up to \$15.00 per month, but it is voted that the Department looked after the houses and stovewood.

Since the fire has destroyed all marks in 1922, we would like to have our lots delimited again by a surveyor at the government's expense.

We hope that our demands will be given full consideration without having to send a delegate before the Joint Committee, because we cannot afford to send a delegate at our own expense.

Respectfully yours,

Timiskaming Council,

WILFRID McBRIDE, *Chief.*

RICHARD POLSON, *Councillor.*

APPENDIX BB

KATSEY INDIAN RESERVE, Hammond, B.C.,

July 2, 1946.

To the Joint Committee of the Senate and the House of Commons, Ottawa,
Ontario.

Gentlemen,—

Greetings,—

We, the undersigned, being the Chief, Chairman, and Secretary of the Katsey Tribes Nos. 1, 2, and 3, hereby send our views and problems as follows:
On No. 3 of circular letter to Indians.

We are flat footedly opposed for Indians to pay taxes.

On No. 4, Enfranchisement of Indians both voluntary and involuntary.

We are opposed to enfranchisement of Indians. We are not fit for it. But of course those that want to volunteer for enfranchisement if they are fit for it and self-supporting, we can not stop them. But let them get out of the reserves and do not involve any other Indian or Indians who are not willing.

On No. 7—The operation of Indian day and residential Schools.

We are greatly impressed for the education of our children, as education for Indians is for the betterment, and lean generally toward better civilization and better health.

As for the revision of the Indian Act.

A. It took smart learned men of the Fathers of Confederation to form the Indian Act. We Indians are not learned enough to revise it.

B. We want the relief for the old aged person and persons to be improved, and get more than the present relief. It is hardly sufficient enough to get what they need to eat; not what they can not eat, viz. beans and salt. They should be allowed to get meat or bacon or whatever is useful to eat. They should not be denied of what they wish to get to eat.

C. Those that need assistance for the following; housing, Education for young men and young women, agriculture, etc., should be encouraged.

In conclusion we say that we want to be Indians and Indians always. We rely upon the Government of Canada, to the Indian Department who has feelings at heart for their Indians for protection.

Signed—

Mr. Chief JAMES ADAMS,

LOUIS MOODY, *Chairman,*

SIMON PIERRE, *Secretary.*

APPENDIX BC

Garden River Indian Reserve, July 29th, 1946.

A joint meeting was called by Indians of five different reserves, namely: Spanish River Reserve, Serpent River Reserve, Garden River Reserve, Batchawana Reserve and Michipicotan Reserve, all under the Sault Ste. Marie agency. The Chiefs and Councillors of the different reserves mentioned attended at the meeting on the above date at Garden River to discuss the circulars received lately by each from their agent.

(1) Moved by William Miawasega, seconded by J. T. Sayers, that our Treaty Rights and Obligations be recognized and respected by both the Federal and the Provincial Governments. (Carried.)

(2) Motion moved by J. T. Sayers, seconded by Arthur Jones, that the Chief and Council be given the power to adopt or not to adopt any person or persons into their bands. (Carried.)

(3) Motion moved by Douglas Sissenah, seconded by Dick Pine, that by virtue of their Treaty Rights Indians are not liable for payment of taxes either to the Dominion or to the Provincial Governments. (Carried.)

(4) Motion moved by William Miawasega, seconded by Mike La Rose, that the Indians at this time do not wish to vote at Dominion elections. (Carried.)

(5) Motion moved by Dick Pine, seconded by William Miawasega, that the encroachment of white men on Indian reserve lands be prohibited. (Carried.)

(6) Motion moved by M. Boissineau, seconded by Norman Jones, that all denominational schools within reservations be abolished and the education of Indians be committed to regional boards upon which Indians in the regional districts shall be represented by Indians. (Carried.)

(7) Motion moved by Dick Pine, seconded by J. T. Sayers, that the old age pension be granted to the aged Indians, equal amount to which the white people are now granted. (Carried.)

(8) Motion moved by J. T. Sayers, seconded by Mike La Rose, that at any time the Indians should require a doctor to visit the sick that they call any doctor who is available at the time a doctor is urgently required. (Carried.)

(9) Motion moved by Dick Pine, seconded by Norman Jones, that we require a qualified teacher able to teach high school or higher so the Indians can obtain higher education, which will bring advancement in every walk of life. (Carried.)

(10) Motion moved by Dick Pine, seconded by Joe Jones, that we require more assistance in our housing problem. (Carried.)

(11) Motion moved by P. Boissineau, seconded by M. Boissineau, that the agricultural undertakings of the Indians receive more financial assistance by way of grants. (Carried.)

(12) Motion moved by William Miawasega, seconded by Norman Jones, that each Reserve Band be granted an appropriation and the Indian Council have authority to administer to where it is required. (Carried.)

(13) Motion moved by Norman Jones, seconded by J. T. Sayers, that at some future date should a delegation be required to attend before the Joint Committee we are prepared to send same. Two or three delegates all expenses to be paid by the Indians. (Carried.)

(14) Motion moved by Dick Pine, seconded by Sam Jones, that the sections 99 and 178 of the Indian Act be abolished. (Carried.)

SIGNED

Chief ARTHUR JONES,
Chief WILLIAM MIAWASEGA,
Chief AMABLE BOSSINEAU,
Councillor DOUGLAS SISSENAH,
Councillor JOE BENNETT,
Councillor MIKE LA ROSE,
Councillor MIKE PINE,
Councillor NORMAN JONES.

